

Delegated Report		Analysis sheet	Expiry Date:	02/04/2012
		N/A / attached	Consultation Expiry Date:	21/03/2012
Officer			Application Number(s)	
Neil Zaayman			2012/0755/P	
Application Address			Drawing Numbers	
Rear of 251-259 CAMDEN HIGH STREET LONDON NW1 7BU			Refer to decision notice.	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Erection of part two, part three storey building within rear yard and change of use from offices to residential at ground floor level of existing building to create 5 self contained flats (Class C3); and retention of external staircase at ground and first floor levels.				
Recommendation(s):		Refuse permission.		
Application Type:		Full Planning Permission		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	29	No. of responses	01	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	<p>Site notice displayed from 29/02/2012 until 21/03/2012.</p> <p>29 Neighbouring occupiers were notified of the application. One letter of representation was received stating that the proposal is positive in principle however, the following concerns were raised:</p> <ul style="list-style-type: none"> - The waste / refuse storage area would attract rats and foxes. - Waste collection should take place on Camden High Street in accordance with the Council's collection times. - The storage area would impede on views. - The refuse storage area would create smells, affect outlook and atmosphere. - The location of the storage area close to bedroom windows would create disruption if used at unsociable hours. - The waste storage area would restrict access to staircase. 					
CAAC/Local groups* comments: *Please Specify	N/A.					

Site Description

The site comprises 5 x 3-storey terraced buildings on the west side of Camden High Street. The buildings on site are currently made up of retail ground floors with two floors of residential accommodation above. The residential accommodation have recently been converted into self-contained flats and refurbished.

The buildings are not listed and the site is not located within a Conservation Area.

Relevant History

2007/3838/P: Erection of a first floor level steel walkway with balustrade to the rear of nos. 253-259 to facilitate access to 4 self-contained flats at first and second floor levels, plus installation of windows and doors to the rear elevation. **Granted 17/03/2009.**

2009/2515/P: Amendments to planning permission 2007/3838/P dated 17th March 2007 for the "erection of a first floor level steel walkway with balustrade to the rear of Nos. 253-259 to facilitate access to 4 self-contained flats at first and second floor levels, plus installation of windows and doors to the rear elevation", to include an additional walkway at second floor level and the internal reconfiguration of the self-contained flats. **Granted on 12/07/2012.**

Two subsequent applications were withdrawn (Ref: 2010/0447/P and 2011/0622/P) due to concerns raised by officers in respect of the design of the proposals.

Relevant policies

LDF Core Strategy and Development Policies

Core Strategy

- CS3 – Other highly accessible areas
- CS5 (Managing the impact of growth and development)
- CS6 (Providing quality homes)
- CS8 – Promoting a successful and inclusive Camden economy
- CS14 (Promoting high quality places and conserving our heritage)

Development Policies

- DP2 (Making full use of Camden's capacity for housing)
- DP5 (Homes of different sizes)
- DP6 (Lifetime homes and wheelchair housing)
- DP13 – Employment premises and sites
- DP22 (Promoting sustainable design and construction)
- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP31 (Provision of, and improvements to, public open space and outdoor sport and recreation facilities)

Supplementary Planning Policies

- Camden Planning Guidance (2011)

London Plan (2011)

- 3.3 (Increasing housing supply)
- 3.4 (Optimising housing potential)
- 3.5 (Quality and design of housing developments)
- 3.8 (Housing choice)
- 5.3 (Sustainable design and construction)
- 7.4 (Local character)
- 7.6 (Architecture)

Government Guidance

National Planning Policy Framework (March 2012)

Assessment

Proposal:

The proposal involves the construction of a new building within the rear yard area together with converting the existing office to form a total of 5 No. self-contained flats.

The proposal would be a 4-storey building with a maximum height of 10.8m as measured from the access road adjacent Arlington House. Viewed from the existing courtyard on the application site, the proposal would be 2-storey in height.

The building would have a contemporary flat roofed design. The top floor would comprise of a lightweight glazed structure. Materials used for construction would comprise of yellow stone brickwork

There would be a total of 5 units:

- Unit 1 would be on lower ground, ground and 1st floor level and would comprise of 2 bedrooms, each with en-suite, a w.c., open plan living / kitchen area and patio.
- Unit 2 would be on lower ground and ground floor level. It would comprise of 2 bedrooms, one bedroom with en-suite and a family bathroom, an open plan kitchen / living area and outside amenity in the form of a terrace and patio.
- Unit 3 would be on lower ground and ground floor level. It would comprise of 3 bedrooms, one en-suite, a family bathroom, w.c., utility room and open plan living room / kitchen. Outdoor amenity would be in the form of a terrace and patio.
- Unit 4 would be on first and 2nd floor level. It would comprise of 2 bedrooms, 2 bathrooms and an open plan living / kitchen area.
- Unit 5 would be on 1st floor level only. It would comprise of a 1 bedroom unit with bathroom, kitchen and living room. It would have outdoor amenity in the form of a terrace.

Retrospective permission is also sought for the existing staircase serving the flats to the front as the staircase has been altered from what was previously approved.

Revised drawings were received on 22nd March 2012 involving changes to the internal layout in order for bathrooms to comply with Building Regulation standards. An updated Lifetime Homes assessment was also submitted.

Officers noted that Unit 3 only has a “utility” room and no kitchen.

Assessment:

The main issues for consideration is the suitability of the proposed development in terms of loss of employment floorspace, its impact on the character and appearance of the area, the impact on neighbouring amenity, the quality of accommodation proposed and the amenities of future occupiers.

Loss of employment floorspace:

The Council's LDF policy DP13 (Employment premises and sites) states that a change of land and buildings suitable for continued business use to non-business use will be resisted unless it can be demonstrated that the site or building is no longer suitable for its existing business use and there is evidence that the possibility of retaining, reusing or redeveloping the site or building has been fully explored. When it can be demonstrated that the site is not suitable for any business use other than B1(a) offices, the Council may allow a change to permanent residential uses or community uses.

The applicant has not demonstrated in this instance that the site has been actively marketed for alternative business uses nor has any evidence been supplied to indicate how long the unit has been vacant for. The Design and Access Statement indicate that the building has been vacant for 2½ years. Notwithstanding, the unit is fairly small (75sq.m) and due to its location towards the rear of the main buildings, Officers are of the opinion that it cannot be used for any other business use other than B1(a) offices. The unit is not in a highly visible location and it would be reasonable to assume that its size and location does not lend itself to a successful and viable business premises.

In light of the NPPF (March 2012) which encourages sustainable economic development, Officers are of the

opinion that the loss of this unit as an office use to permanent residential accommodation can be justified as a residential use would potentially be more suitable in this location.

Design and character:

The proposal is for what would essentially be a 3 storey development as seen from the existing courtyard to the rear of Nos. 251 – 259 Camden High Street. Viewed from within this courtyard, the existing buildings to the front of the site are 2-storey in height. The proposal would only be approximately 5.4m from the rear of the existing building at its pinch point. It is acknowledged that attempts were made to reduce the overall bulk and massing of the development by designing the 2nd floor level as a glazed extension.

Notwithstanding, the 2nd floor addition would still comprise of a substantial brick elevation to both the internal courtyard and Arlington House elevations. In addition, the flat roof above would be of a solid structure, although the materials proposed are uncertain as the planning application form refers to the provision of a “mansard” roof. The 2nd floor addition is therefore not considered to be of lightweight construction and would appear as a substantial addition to the development.

Officers gave careful consideration to the height and bulk of Arlington House, however, it is considered that this building is not viewed in the context of the courtyard developments to the rear of the Camden High Street frontage. No other 3-storey developments currently exist to the rear of these properties fronting Camden High Street. For the reasons given above, it is considered that a 3-storey development in this location would appear overly bulky, dominant and visually intrusive. It is not considered that the proposal would relate well to the main buildings towards the front and would therefore appear out of place and character. Any development in this location should be subservient to the main buildings fronting Camden High Street and a building higher than 2-storeys are unlikely to be acceptable.

Quality of accommodation:

Although the NPPF (March 2012) encourages the provision of new housing, Section 7 puts emphasis on achieving high quality design and that schemes should contribute positively to making places better for people.

The advice given in the NPPF (March 2012) also supports the guidance contained in the Mayor’s Housing SPG and Camden Policy Guidance (CPG2 – Housing). CPG2 states that developments should conform to minimum space standards, which are also set out in the London Plan (2011), maximise sunlight and daylight and all habitable rooms should have access to visual interest and ventilation.

Minimum space standards

The scheme proposes 5 self-contained units of which 3 of the units would be below the minimum space standards as set out in the London Plan (2011): a) Unit 1 is a 2-bed, 4-person unit which should be 70sq.m but only provides 64sq.m internal floorspace; b) Unit 2 similarly is a 2-bed 4-person unit providing only 65sq.m internal floorspace and; c) Unit 5 is a 1-bed 2-person unit which should be 50sq.m but only provides 41sq.m. Overall, the scheme fails to comply with the minimum space standards for new developments.

Outlook

The main bedrooms and other habitable rooms in all units are arranged to the western side of the development. To the west, any outlook would be of the service road which runs between the application site and Arlington House, or Arlington House itself, which is a high-rise 7-storey building. The habitable rooms of all units, apart from the living room of Unit 4, would have an outlook onto proposed patio areas. Although no specific details have been provided, for the majority of units these patios would be screened by means of a 2m high boundary treatment to overcome privacy issues. The patio areas are small and in some instances barely 1m in depth. An outlook onto such a small enclosed patios and an outlook onto service areas, service road or high-rise building of Arlington House, would not provide for an acceptable internal living environment, especially when coupled with the majority of flats falling below minimum space standards.

Daylight and sunlight

The applicant submitted a Daylight and Sunlight Assessment based on the original internal floor layout. The report has not been updated to reflect the revised layout and an accurate assessment could therefore not be made in respect of sunlight / daylight received by habitable rooms. Officers are also not convinced that the

report has taken into account high level screening around the patios, which are required for privacy reasons.

The report assessed units 1, 2 and 3 which are at lower ground and ground levels, which is accepted as units 4 and 5 are first and second floor levels. It concluded that all of the nine habitable rooms assessed achieve the average daylight factor (ADF), although some of the rooms only met the minimum recommended ADF whilst others only exceeded it marginally. The report further indicates that 2 of the 3 living room windows tested for Annual Probable Sunlight Hours (APSH) failed to achieve the recommended level of winter sunlight hours.

Considering the habitable rooms only marginally meet the ADF, with some failing the APSH, it can be concluded, coupled with poor levels of outlook and space standards below the minimum that the overall development would not provide future occupiers with a high quality living accommodation. However, daylight and sunlight should not form part of the refusal reason for sub-standard accommodation.

Privacy and overlooking

There would be no overlooking from the neighbouring building at Arlington House as the closest windows serve the staircase and landing areas of this building.

The proposal does not specify the type or height of screening between the patio areas of units at the application site. However, screening can be dealt with by means of a planning condition and any potential for overlooking and invasion of privacy could be overcome by means of appropriate screening.

Although the proposal would be relatively close to the rear of the flats at Nos. 251 to 259, most windows facing the central courtyard would serve bathrooms and kitchens. Bedroom 2 on first floor of Unit 1 is indicated to be obscure glazed and Bedroom 1 of Unit 4 would have a staircase which would obscure views into this bedroom. It is not considered that harmful levels of overlooking or invasion of privacy would occur to these bedrooms from the neighbouring building.

The only other habitable rooms of concern are the living rooms of Units 3, 4 and 5. Notwithstanding, the windows facing the development at No. 251 – 259 Camden High Street would not be the only windows serving these habitable rooms as they have windows facing the other side (towards Arlington House). As such, it is not considered that harmful levels of overlooking would occur to future occupiers.

Lifetime Homes:

Policy DP6 requires the proposal to comply with Lifetime Homes Standards. A Lifetime Homes assessment was submitted. Concerns were raised in respect of non-compliance with 8 of the Lifetime Homes requirements. The applicant responded with an amended version indicating that these issues will be addressed in order to comply. The changes have however not been reflected in the drawings. Should any future application be submitted, it is recommended that the drawings reflect the application's compliance with Lifetime Homes Standards.

Impact on neighbouring amenity:

The neighbours to be affected would be those at Arlington House and occupiers of the existing flats at No. 251 – 259 Camden High Street.

Privacy

The eastern elevation and windows of Arlington House closest to the application site serve landing areas to the staircase and there are no potential for overlooking to this neighbouring development.

Concerns are raised in respect of the relationship between the kitchen windows of Unit 5 with the bedroom windows of the unit on the opposite side, to the rear of No. 259. The windows would only be separated by 5.4m at its pinch point and according to the drawings, directly facing each other. Officers are of the opinion that this relationship would result in an invasion of privacy to the current occupiers of flats to the rear of 259 Camden High Street.

Similarly, Unit 4 has its lounge and kitchen at 2nd floor level and this level would to a large degree be glazed. It is considered that the development at 2nd floor level would result in direct overlooking to the flats at Nos. 251 – 259 Camden High Street, harmful to the amenities of these neighbouring occupiers.

Daylight and sunlight

The application site is east of Arlington House and substantially lower in height. The application site is also separated from Arlington House by an access Road. As mentioned earlier in this report, the windows in the eastern elevation of Arlington House serve the staircase and landing areas and not habitable rooms. Due to the site circumstances, orientation and scale of the proposal in relation to Arlington House, it is not considered that any potential for an infringement on daylight or sunlight would occur.

Whilst the flats to the rear of Nos. 257 and 259 may experience a minor degree of overshadowing during the late afternoon, the units east of the application site would receive sunlight for the majority of the day. It is not considered that any harmful levels of overshadowing or loss of daylight would occur to the neighbouring properties at Nos. 251 – 259 which would justify refusal of the application.

Outlook

The units at No. 251 – 259 currently have an outlook across the communal rear courtyard area with Arlington House in the distance. The proposal would bring development closer to these neighbouring properties however, it is considered that viewed against the backdrop of the substantially bulkier Arlington House, the proposal would not harm the outlook of these flats to unacceptable levels. The proposal would not encroach on the central courtyard and this area is considered to keep providing an acceptable level of outlook within this central London location.

Sustainability:

According to development plan policy DP22 (sustainable design and construction), the development should demonstrate how sustainable design principles have been incorporated. In accordance with the aims and objectives of DP22, the incorporation of green roofs, grey water re-cycling and on-site renewable energy generation (such as solar panels) should be explored. The assessment should demonstrate how Code Level 3 will be achieved.

A “code for sustainable homes pre-assessment estimate” has been submitted in support of the application. The report indicates that the development will be able to achieve Code Level 3. The proposal therefore complies with policy DP22 of the LDF in this respect.

Although the proposal is shown to achieve Code Level 3, the requirements of DP22 state that Code Level 4 should be achieved by 2013. The applicant is therefore encouraged to improve their measures for sustainability on the site to aim to achieve Code Level 4.

Transport:

Car parking

The development is located in the town centre of Camden and has a PTAL of 6a with excellent levels of access to public transport. Should permission be granted, the development will be secured as car free.

Cycle storage

DP18 requires development to sufficiently provide for the needs of cyclists, which are contained in Appendix 2 of the Development Policies document. The London Plan also provides guidance on cycle parking standards these are outlined in Table 6.3 of The London Plan 2011.

Camden's Parking Standards for cycles states that one storage or parking space is required per residential unit, with 2 spaces for larger residential units (3+ beds). The proposal is for 5 residential units consisting of 1 one-bedroom, 3 two-bedroom and 1 three-bedroom units; therefore 6 cycle storage/parking spaces are required. From the plans submitted by the applicant there are no details relating to any cycle parking/storage being provided on-site.

With this lack of information Officers consider that the proposals do not meet DP18 policy requirements to meet cycle parking standards. Further, without this information Officers cannot determine whether any proposed cycle parking/storage would meet CPG7 (Transport Cycle Design Guidance for cycle parking). As this is a design issue it is not considered that this can be resolved as a planning condition.

Legal Obligations:

Open Space

Where 5 or more additional units or more than 500sq.m of floorspace is developed, the development should make on-site public open space provision. Where on-site provision is not possible, the Council will consider an off-site contribution or otherwise a payment in lieu of provision. The guidance are set out in Camden Policy Guidance: CPG6 and CPG8. No public open space provisions are made and although Officers acknowledge the constraints of on-site provision in this location, no payment-in-lieu has been proposed. The proposal is therefore contrary to Policy DP31 of the LDF.

Education

All residential development where the scheme results in a net increase of five or more dwelling units will normally be expected to provide a contribution towards education provision. Guidance for calculation of contributions are provided in CPG8. The application provides no indication of any contribution towards Education and therefore fails to meet the aims and objectives of core policy CS10 and development plan policy DP15 of the LDF.

Community Infrastructure Levy (CIL)

The proposal would create more than 100sq.m of new floorspace and should permission be granted, then the applicant would be liable to contribute to the Mayor's CIL.

Highways contribution

A financial contribution of £15,000 to local pedestrian and environmental improvements schemes (such as, but not limited to, the Camden High Street pedestrian improvement scheme). This contribution relates in scale and kind and will be comparable to contributions secured from other developments.

Conclusion:

The proposed development is considered to be visually intrusive and overly bulky as a result of its height and massing. The 2nd floor addition is considered inappropriate in this location. The development would appear out of place and context within this rear courtyard environment.

As a combination of factors, providing average levels of sunlight to habitable rooms, failure to comply with minimum space standards and failure to provide quality outlook and visual interest to future occupiers, the proposal is considered to fall short of providing quality living accommodation.

The development would result in harmful levels of overlooking and invasion of privacy to neighbouring occupiers.

No provision has been made for cycle storage.

The proposal fails to indicate a commitment to any legal obligations in respect of contributions towards public open space, education, CIL or a highways contribution.

Recommendation:

Refuse permission.

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