

<b>Delegated Report</b> <b>(Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	<b>02/01/2012</b>
		N/A		<b>Consultation Expiry Date:</b>	22/12/2011
<b>Officer</b>			<b>Application Number(s)</b>		
Ben Le Mare			2011/5272/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
11-13 Camden High Street London NW1 7JE			Refer to 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>					
Amendments to planning permission granted 01/10/08 (Ref: 2007/2197/P) for extensions and alterations, including the installation of a new shopfront, erection of a mansard roof extension and rear extensions at basement and ground (for additional retail floorspace) floor levels and at first and second floor levels with terrace, to provide additional floorspace in connection with the creation of 6 self-contained flats, namely, enlargement of rear first and second floor level extensions (retrospective) and alterations to the design of the proposed new shopfront.					
<b>Recommendation(s):</b>		Grant planning permission subject to a deed of variation of the Section106 Agreement			
<b>Application Type:</b>		Full Planning Permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	51	No. of responses	02	No. of objections	02
			No. electronic	01		
Summary of consultation responses:	<p>A site notice was displayed outside the property from 22/11/2011 to 13/12/2011 and a press notice was published in the Ham &amp; High on 22/12/2011.</p> <p>2 letters of objection have been received from the occupiers of No.6 Nelsons Yard which raise the following concerns:</p> <ul style="list-style-type: none"><li>- This is a retrospective application;</li><li>- The terraces at the rear will result in more noise and disturbance in the summer;</li><li>- The head of term for the S106 requiring for the development to be completed within 18 months from the original consent being granted was not monitored properly.</li></ul> <p>It should be noted that no objections have been raised towards the amendments to the scheme proposed by this application, only those to the ground floor and basement extensions pending considered under application 2011/5227/P.</p> <p><b><u>Transport For London</u></b></p> <p>No objections raised towards the proposal.</p>					
CAAC/Local groups comments:	<p>The Camden Town CAAC have raised no objections towards the proposed extensions. Whilst they are supportive of the amended design of new shopfront, they have concerns that the two six panel entrance doors to the residential units and basement are of different sizes.</p>					

## Site Description

Nos. 11-13 Camden High Street comprised a basement plus 4-storey terraced properties and were derelict for many years. The site is currently being redevelopment following the approval of application 2007/2197/P in 2008.

The site is situated on the west side of Camden High Street, north west of the junctions with Mornington Crescent, Hurdwick Place, Eversholt Street and Crowndale Road. The Mornington Crescent underground station lies due south of the application site. The buildings are vacant and their rear elevations and some floors have been partially demolished. The lawful uses of the buildings are retail (Class A1) at the basement and ground floors with residential use (Class C3) above.

To the rear and forming a common boundary with the application site are nos. 1-10 Nelson's Yard; a 4-storey gabled roof residential building. The front of the Nelson's Yard buildings are orientated due south, with a rear windowless flank wall orientated due north. The flank walls of nos. 5 and 6 Nelson's Yard have a common boundary with the application site.

The host buildings are located in the designated Town Centre of Camden Town at its southern end. The site is also within Camden Town conservation area. The buildings are not listed.

## Relevant History

October 1987 planning permission was **granted** for the change of use of the ground and basement floors from shop to restaurant, ref. 8701130.

February 1990 planning permission was **refused** for the erection of a roof extension at 4<sup>th</sup> floor level and works of conversion to provide 2 x 1 bedroom flats at nos. 13 and 17 and 1 x 3 bedroom and 1 x 4 bedroom maisonettes at 3<sup>rd</sup> and 4<sup>th</sup> floor levels at no.15. (Ref: PL/8903359).

August 1993 the Council indicated that planning permission would, had an appeal against non-determination not been lodged, been **refused** for the erection of extensions at the rear and roof levels on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors to provide 8 x bedroom flats, ref. 9300195. The appeal against the non-determination of this application was dismissed.

March 1994 planning permission **granted** for works of refurbishment and the erection of extensions at rear 1<sup>st</sup> and 2<sup>nd</sup> floors and roof extension to provide 4 self-contained flats and 2 maisonettes above the ground floor retail premises, ref. 9301532.

July 2007 application **withdrawn** for extensions and alterations, including alterations to shopfront, erection of a mansard roof extension and a part 2-, part 3-storey rear extension to the retail units at basement and ground floor levels, to provide an additional 3 self-contained flats, ref. 2006/4976/P. This application was withdrawn as the drawings submitted with the application were inaccurate and, following a site visit, it was decided that an application for retrospective conservation area consent was required.

October 2008 planning permission and conservation area consent **granted** for extensions and alterations, including the installation of a new shopfront, erection of a mansard roof extension and rear extensions at basement and ground (for additional retail floorspace) floor levels and at first and second floor levels with terrace, to provide additional floorspace in connection with the creation of 6 self-contained flats (2007/2197/P) and demolition of substantial part of existing building (works already carried out) with front facade being retained (2007/2566/C).

November 2011 planning permission is sought for amendments to planning permission granted 01/10/08 (Ref: 2007/2197/P) for extensions and alterations, including the installation of a new shopfront, erection of a mansard roof extension and rear extensions at basement and ground (for additional retail floorspace) floor levels and at first and second floor levels with terrace, to provide additional floorspace in connection with the creation of 6 self-contained flats, namely, extensions at basement and ground floor level to provide additional retail floorspace (retrospective) and alterations to the design of the proposed new shopfront.

## **Relevant policies**

### **National Planning Policy Framework (adopted March 2012)**

#### **The London Plan (July 2011)**

Policy 3.3 (Increasing housing supply)  
Policy 3.4 (Optimising housing potential)  
Policy 3.5 (Quality and design of housing Developments)  
Policy 6.13 (Parking)  
Policy 7.6 (Architecture)  
Policy 7.8 (Heritage assets and Archaeology)

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

CS1 (Distribution of growth)  
CS3 (Other highly accessible areas)  
CS5 (Managing the impact of growth and development)  
CS6 (Providing quality homes)  
CS7 (Promoting Camden's centres and shops)  
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)  
CS18 (Dealing with our waste and encouraging recycling)  
  
DP2 (Making full use of Camden's capacity for housing)  
DP5 (Homes of different sizes)  
DP6 (Lifetime homes and wheelchair housing)  
DP10 (Helping and promoting small and independent shops)  
DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)  
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)  
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)  
DP27 (Basements and lightwells)  
DP28 (Noise and Vibration)  
DP29 (Improving access)  
DP30 (Shopfronts)

### **Camden Town Conservation Area Statement (October 2007)**

#### **Camden Planning Guidance (adopted 2011):**

CPG1 (Design)  
CPG2 (Housing)  
CPG4 (Sustainability)  
CPG6 (Amenity)

## **Assessment**

### **Background**

11-13 Camden High Street was fire damaged, derelict and unoccupied for more than 15 years and was not in a habitable or useable condition. The Council has for many years been involved in a series of negotiations and actions with the owner with a view to resolving the unsatisfactory state of the properties.

There is a considerable history of enforcement, dangerous structure issues, litigation and associated local concerns about the actions of the owner, some of which are outside the remit of the local authority, but which are recognised to have contributed to the understandable concerns expressed by neighbours.

As far as related planning history goes, permission was granted in 1994 to refurbish and extend the upper parts of the property to provide four self-contained flats and two maisonettes. The owner has sought to argue this permission to have been legally implemented (by virtue of some works apparently being commenced on site in February 1996). However it seems minimal works were undertaken and the condition of the property continued to deteriorate and it remained unoccupied. The rear extension shown as part of that approved scheme was the retention of an existing extension that in part extended right up to the rear party wall, however that extension was demolished in late 2006 / early 2007.

Planning permission was granted on 1st October 2008 subject to a Section 106 Agreement of the same date (ref: (2007/2197/P). The proposed development was different from that approved in 1994 and incorporated alterations including new basement and rear extension at basement and ground floor and rear extension at first and second floor levels to provide six self contained flats. In order to support the Council's intentions that works should not be further delayed it was a condition of the 2008 planning permission for the permission to be started within a year. It was also a requirement of the legal agreement that the development should be completed within 18 months of implementation of the planning permission.

Reflecting the fact that works had not commenced and the considerable concern which had been expressed to the Council over the years, on 14 October 2009 the Council's Executive agreed that in the event that no progress was made to bring the property back into beneficial use the Council would use its compulsory purchase powers (CPO) to acquire both 11 and 13 Camden High Street. This was a signal of the Council's clear intention to ensure the unsatisfactory state of the property would not be tolerated and act as the necessary motivation to the owner to comply with his obligations.

The redevelopment of the site eventually started in early 2010 and officers regularly visited the property to how the works were progressing, with the option to use compulsory purchase powers if necessary and legitimate. Admittedly progress was extremely variable, but with some extenuating circumstances; two different firms of contractors starting, but leaving the project (the most recent went into administration). However there was eventually enough visible progress to warrant holding the use of CPO in abeyance. The Council sought to achieve a balance to ensure that the owner is not given the excuse to abandon works on making the building structurally sound and capable of appropriate re-use and occupation, but has been active in ensuring that the owner is aware of the legitimate concerns regarding the way works have progressed at the property.

However, in February 2011 it was established that the development was not being built in accordance with the approved plans. The discrepancies included the basement and rear extension being built up to the boundary wall and an increase in width of the rear extension at first and second floor level.

As these alterations represented clear breaches in planning control an enforcement investigation was therefore initiated (ref: EN11/0111). This application has been submitted to make the following amendments to the approved development:

- Enlargement of rear first and second floor level (retrospective);
- Alterations to the design of the approved new shopfront.

The unauthorised increase in the size of the basement and ground floor rear extensions is currently being considered under a separate planning application (2011/5227/P).

### **Assessment**

The main planning issues associated with the proposal relate to design/visual impact on the character and appearance of the Camden Town Conservation Area and residential amenity and legal agreements. These are

addressed below in the context of planning policy and other material considerations.

### Design/Visual impact

Policy DP25 of the LDF requires all alterations and extensions within designated conservation areas to preserve and enhance the character and appearance of the area. The guidance in CPG1 also requires extensions to be secondary to the building being extended, in terms of location, form, scale, proportions, dimensions and detailing and respect and preserve the original design and proportions of the building.

#### *Extensions at first and second floor level*

The retrospective revision to the approved scheme proposes to increase the width of the rear extension at first and second floor level on either side by approx. 1m and 1.5m, projecting out 1.5m and 1m from the original building line.

It is considered that the approved, newly built, back extension is already larger than other rear extensions along this part of the terrace. The homogeneous appearance of the curved brick elevations has been interrupted already and the additional increase in width of the extension is considered, on balance, not to cause further harm to the host building and the surrounding area. The total massing of the rear extension is still regarded to represent a subordinate addition to the host building and is acceptable.

On visiting the property it was identified that an unfortunate change in brick occurs at first floor level. This is clearly visible even though both brick types are yellow stock in appearance. A condition should be included on any planning permission requiring the staining of the brickwork to the back elevations which would help the new build appear as one and have the added benefit of moderating the raw appearance of the new brickwork, allowing it to blend with the historic patina of the neighbouring buildings.

Based on the above, this element of the proposal is considered in accordance with Policy DP24 and DP25 of the LDF.

#### *Alterations to the proposed shopfront*

The application seeks to reconfigure the approved shopfront through proposing another entrance door into the basement and lowering the height of the fascia below the windowsills of the first floor by four bricks. In addition, details of the design and materials of the shopfront and entrance doors have been provided.

During the determination of this application, revised plans were submitted by the applicant which show two matching timber framed shopfronts with generous stall risers and transom lights, brick bond security shutters with recessed box and concealed guide rails and two 6 panel solid timber doors providing access to the basement and the residential units on the upper floors.

The proposed shopfronts are considered to represent an improvement on the scheme which was originally approved, through their layout, proportions and the effective use of transom lights and mullions. The use of timber for the doors and shopfronts and the provision of recessed security shutters also ensure that the proposal promotes historical shopfront design which has been lost in the area over the years. The proposals both preserve and enhance the character and appearance of the conservation area, in accordance with the shopfront design guidance set out in CPG1 and policies DP25 and DP30 of the LDF.

### Residential Amenity

The alterations to the rear extension would not result in any additional loss of privacy to the occupiers of adjoining properties on the basis that no windows are proposed on the side elevations.

Whilst there is a slight loss of outlook from windows on the first and second floor of the adjoining properties on either side (No's 9 & 15 Camden High Street) the resulting harm is not regarded to be significant. In addition, the proposal will not significantly impact upon the daylight/sunlight levels serving habitable rooms in No's 9 & 15.

The application does not propose any revisions to the size of the first and second floor rear terraces approved under 2007/2197/P and there will therefore not be an increase in the potential noise and disturbance on the living conditions of the occupiers of neighbouring properties.

The proposals therefore comply with guidance on amenity set out in CPG6 and Policy DP26 of the LDF.

### Legal Agreements

The original application for the site's redevelopment was accompanied by a Section 106 Agreement with the following heads of terms: car free housing, provision of 6 cycle spaces, education and open space contributions and completion of development.

As the proposed development is still under construction the owner has failed to comply with the head of term requiring for completion date of development to be within 18 months of implementation. However, since the owner was warned by the Council of enforcement action against the breaches in planning control a considerable amount of work has taken place on site to complete the works. It is therefore considered appropriate that any planning approval would need to be accompanied by a deed of variation of the S106 requiring for the proposal to be completed with 6 months from the date of permission being granted.

### Recommendation

Grant planning permission subject to a deed of variation of for the Section 106 Agreement

### **DISCLAIMER**

**Decision route to be decided by nominated members on Tuesday 10<sup>th</sup> April 2012. For further information see**

<http://www.camden.gov.uk/ccm/navigation/environment/planning-and-built-environment/planning-applications/development-control-members-briefing/>