

Delegated Report	Analysis sheet	Expiry Date:	06/01/2011
	N/A / attached	Consultation Expiry Date:	23/12/2011

Officer	Application Number(s)
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Amanda Peck	2010/6016/P
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Application Address	Drawing Numbers
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55 Holmes Road London NW5 3AN	Refer to draft decision notice
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PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature
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Proposal(s)

Change of use of front part of upper basement level from warehouse (Class B8) 4 (4 x 1 bed) self contained residential units (Class C3) and associated alterations, including creation of lightwell and mesh balustrade to front Holmes Road.

Recommendation(s):	Grant planning permission subject to a S106 agreement
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Application Type:	Full Planning Permission
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Conditions or Reasons for Refusal:	Refer to Draft Decision Notice
Informatives:	

Consultations

Adjoining Occupiers:	No. notified	59	No. of responses	00	No. of objections	00
			No. electronic	00		

Summary of consultation responses:	A site notice was displayed between 19 November and 10 December and no comments were received.
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CAAC/Local groups* comments: <small>*Please Specify</small>	No comments received
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Site Description

The site is located on the south side of Holmes Road off Kentish Town Road. The existing recently constructed four storey plus basement building houses 14 residential flats and office space. The surrounding street scene is characterised by a mixture of retail warehouses with utilitarian appearance, more traditional Victorian forms of domestic construction, and contemporary mixed use buildings. The building is not listed or within a conservation area but the site is visible from the Inkerman Conservation area to the south and is just outside of the Kentish Town Industry Area.

Relevant History

- **PE9800475R1** - Redevelopment of the site to provide a four storey plus basement building to accommodate parking and servicing facilities at basement floor level, warehouse space at basement and ground floor levels, office space at ground, first and second floor levels, and eleven residential flats, at first, second and third floor levels. Refused on 28/01/1998 and subsequently **allowed at appeal** on the 24/05/1999.
- **PEX0000934** - Redevelopment of the site by the erection of a basement and four storey building to provide office (B1) and warehouse (B8) floorspace together with 14 residential units with car parking and servicing in the basement **Granted** (1/11/2002).
- **PEX0200902** - Internal amendments to the first and second floors as an amendment to planning

permission dated 1 November 2002 for the redevelopment of the site by the erection of a basement and four storey building to provide office and warehouse floorspace together with 14 residential units (Ref: PEX000934R1) **Granted** (01/04/2003)

- **2008/1304/P** Removal of existing plant room at roof level and erection of two additional storeys to create three new self-contained residential flats. Refused on 7/03/2008 and subsequently **allowed at appeal** on 18/09/2009.
- **2010/0046/P** - Revision to planning permission (Ref: 2008/1304/P) granted on appeal dated 18/09/2009 (Ref: APP/X5210/A/09/2104541) to include erection of external staircase enclosure at fourth and fifth floor level and associated alterations to cladding materials and fenestration in connection with "the removal of existing plant room at roof level and erection of two additional storeys to create three new self-contained residential flats." Refused 22/04/2010 and subsequently **dismissed at appeal** on 12/10/2010.
- **2010/1435/P** Details pursuant to condition 2 (proposed glazing, perforated glazing and opaque glass cladding at 5th floor level), 3 (details of 1.8 metre high screen between flats 1 and 2 on the approved fourth floor terrace), 4 (cycle storage) and 5 (Construction Management Plan) of planning permission (reference 2008/1304/P) for removal of existing plant room at roof level and erection of two additional stories to create three new self-contained residential flats, granted on appeal 18/09/2009 (Ref: APP/X5210/A/09/2104541). Conditions, **3, 4 and 5 approved** and condition **2 refused** on 10/05/2010
- **2010/2768/P** Details of proposed glazing, perforated glazing and opaque glass cladding at 5th floor level pursuant to condition 2 of planning permission (reference 2008/1304/P) for removal of existing plant room at roof level and erection of two additional stories to create three new self-contained residential flats, granted on appeal 18/09/2009 (Ref: APP/X5210/A/09/2104541). **approved** 13/07/2010.
- **2010/6279/P** Revision to planning permission (Ref: 2008/1304/P) granted on appeal dated 18/09/2009 (Ref: APP/X5210/A/09/2104541) for the removal of existing plant room at roof level and erection of two additional storeys to create three new self contained residential flats. Revision comprises the provision of one single residential unit (Class C3) within the approved two additional storeys. **Application being assessed.**
- 2010/6549 Alterations to windows to north, east and south elevation to fourth and fifth floor level of approved residential Units (Class C3). **Application being assessed.**

Enforcement History:

- EN020299 - new development not in accordance with the approved plans. The works were found to be in line with planning permission and the investigation was closed on the 30/04/2002.
- EN03/0652 - alterations to the side of the building. No breach was found and the investigation was closed on the 05/08/2004.
- EN08/0556 - plant on the roof of the building was unauthorised. It was concluded that the plant room has been constructed larger than as approved as part of application PX0000934 Rev1. Given the marginal difference between the 'as built' and 'as approved' it was considered that there were not further impacts upon the residential amenity of surrounding occupiers or on the character and appearance of the host building and surrounding area. On this basis it was not considered expedient or in the public's interest to take further enforcement action and the investigation was closed on the 29/07/08.
- EN09/0014 - structural work undertaken at sub basement and ground floor level, breached of condition 4 (Car parking). No sign of any work taking place so the investigation was closed on 28/02/2009
- EN09/0045 - Breach of conditions 5 and 6 of planning permission PEX0000934/R1 regarding the usage of the car park. conditions consequently discharged and breach ceased, investigation closed 19/10/2010
- EN10/0971 was opening on 20/10/2010 Possible deviation from approved plans. only difference in plans found to be that the steelwork was not going to be fixed into concrete over residential properties below, it is just going to lay on top of roof except over existing steel columns. This is not a matter that concerns planning. Case still open to monitor as work progresses.

Relevant policies

LDF Core Strategy and Development Policies

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
CS14 - Promoting high quality places and conserving our heritage
CS19 – Delivering and monitoring the Core Strategy
DP2 - Making full use of Camden's capacity for housing
DP3 – Contributions to the supply of affordable housing
DP5 – Homes of different sizes
DP6 – Lifetime homes and wheelchair homes
DP13 – Employment sites and premises
DP17 – Walking, cycling and public transport
DP18 – Parking standards and limiting the availability of car parking
DP19 – Managing the impact of parking
DP24 – Securing high quality design
DP26 – Managing the impact of development on occupiers and neighbours
DP27 – Basements and lightwells

Camden Planning Guidance 2006

Assessment

Proposal

Permission is sought for the conversion of existing B8 space at upper basement level to 4 x 1 bed residential units (Class C3). This also involves the creation of a lightwell and mesh balustrade to front Holmes Road; and relocation of an internal staircase.

Revision

The proposed layout has been amended during the course of the application from 2 x 1bed and 2 x 2bed to 4 x 1bed residential units, in order to ensure that the maximum amount of natural daylight reaches the proposed units and to overcome awkward room shapes that were originally proposed. The balustrade has been changed from glass to mesh to match the existing balustrade on the upper floors. The applicant has also confirmed that the new staircase is not to be constructed on the site of the existing residential refuse area, but above the refuse area.

The main consideration is the loss of the existing B8 floorspace and the quality of residential accommodation provided.

Policy

Policy DP13 (Employment premises and sites) seeks to protect existing employment uses where there is potential for that use to continue. In practice, this means that where it is considered that a site does not have potential to continue the existing business use, consideration needs to be given to maintaining on site an alternative business use, with priority given to flexible space for B8 (storage and distribution) or B1c (light industry).

The applicants have submitted details showing that the B8 floorspace at upper basement and lower basement levels (along with B1 floorspace on the ground floor) has been unsuccessfully marketed since the building was completed in 2004. Five agents have been marketing the floorspace with Christi & Co and Bruce employed since March 2004; Salter Rex since Summer 2006; MBM Ringley since January 2008 and Monmouth Dean since February 2010. The floorspace has been marketed for short term lettings and as freehold for sale. The marketing report states that the floorspace has been advertised twice in the Estates Gazette and on a number of websites, there has been a marketing campaign to galleries, details mailed locally and to London agents and 1,000 fliers were sent to local businesses and residents in the area, along with a marketing board being placed on site. According to one of the agents the webpage for this floorspace has been viewed 1,825 times, leading to 2 telephone calls and no viewings.

According to the applicant the lower basement B8 floorspace has been let to other employment uses (the applicant has not specified who, despite being asked for additional information on this), and the

remaining B8 floorspace at the upper basement level not included as part of this application (the area to the rear of the site) will continue to be marketed for employment uses.

The policy also requires an assessment of alternative employment uses; paragraph 13.3 specifies a number of criteria to assess whether there is potential for the business use to continue on a site while paragraph 13.4 outlines design features to ensure flexible use. Agents have given the following reasons as to why the space has not been let: in a recession there is little demand for this type of space; the space is poorly located and is adjacent to space that has taken years to fill; there is limited demand for this type of space in this location, Regis Road is the preferred location; there are internal columns that break up the space; vehicular access is convoluted and there is poor opportunity for turning on Holmes Road; there is no lift, narrow stairs; and the space does not have 6m floor to ceiling heights. These issues exemplify how the floorspace is unlikely to be attractive to a B1 or B8 occupant.

In instances where the Council agrees to the loss of employment floorspace policy DP13 states that the Council's preference would be conversion to residential or community uses. Based on the above information it is considered that the applicant has provided sufficiently detailed information for the loss of the Class B8 floorspace to be accepted. Therefore the principle of providing residential uses at this part of the site is able to be considered.

Standard of proposed residential accommodation

The Council encourages the creation of additional residential accommodation provided that it meets acceptable standards. All flats would be accessed via the existing front door at ground floor. The existing entrance lobby and lift would provide access to the residential units and the existing staircase down to the upper basement is to be relocated adjacent to the lift. Each flat would be entirely self contained and would meet the CPG floorspace and head height standards.

Because of the location of the flats at upper basement level they are single aspect only and are served by a lightwell with a depth of 1.5m. The applicants have submitted a daylight/sunlight study which concludes that the units meet the standards in terms of daylight. Because they are north facing they do not meet the standards in terms of sunlight. Not all of the rooms achieve the requirements set out in paragraph 40.19 of Camden Planning Guidance: where if it is not possible to achieve a 3m space in front of windows the glazed area should total not less than 10% of the floor area of the room. In each unit the living room meets the requirement and the bedroom does not. It should be noted though that three of the bedrooms have an additional side facing window which will provide additional light, but which it is not possible to add to the calculation because it faces a different direction.

The units have been configured with the habitable rooms at the front adjacent to the lightwell and the bathrooms and kitchens to the rear. All units provide a much larger floorspace than required in the CPG at 50sqm, 68sqm and 74sqm with bedrooms of 14sqm and 24sqm. Given the large floorspace, the fact that the daylight standards are achieved, that these are not family sized units and the fact that this is a conversion within an existing building it is considered that on balance an adequate standard of accommodation will be provided.

Mix

With regard to housing mix, Policy DP5 (Homes of different sizes) seeks to secure a range of unit sizes within developments, including large and small units, in order to address housing need in the Borough. The Dwelling Size Priorities Table states that 1 bedroom market units are not a medium, high or very high priority. The provision of 4 x 1 bedroom units is however considered to be appropriate in this instance owing to the context of the application site. In this regard it is noted that the units do not benefit from any external amenity space, are in a basement location with limited daylight/sunlight and are not best suited to family accommodation. It is therefore not considered beneficial to seek larger units. Moreover, paragraph 5.7 of the supporting text states "The Council will always seek a range of dwelling sizes, but will not expect both large and small homes to be achieved in developments with fewer than 5 dwellings". Furthermore, paragraph 5.8 states "Where a development involves re-use of an existing building, this may limit the potential to provide a range of

dwelling sizes". Given this context the proposed mix is considered to be suitable.

Lifetime Homes

A lifetime homes assessment has been submitted with the application and most of the criteria can be achieved (there are two steps adjacent to the entrances to flats 19 and 20 but there is capacity to install a chair lift in the future). As the majority of the criteria can be met the proposal is considered acceptable.

Affordable housing

At the time of the application for the existing building permitted in 2002 the threshold for affordable housing contributions was 15 units, as this scheme proposed 14 units it was not a requirement for affordable housing to be provided. However, the developer at the time opted to contribute £20,000 to the affordable housing fund. No restrictions were placed on the original permission in relation to on-site affordable housing if extra units were to be added at a later date. The original build was completed in October 2004 and has been occupied since this time.

At the time of the application for the additional 3 units in the roof top extension the threshold for affordable housing was 10 units. It was not considered reasonable to insist upon the provision of affordable housing on site, as the proposed housing uplift was below this threshold. However, during the course of the planning appeal the developer offered a contribution to the off-site affordable housing fund of £30,000. The developer financial appraisal was been verified by the Council's Valuer's and it was considered to a reasonable contribution based on market conditions. There was no clause in this S106 in relation to on-site affordable housing if extra units were to be added or if the mix of units were to be changed at a later date.

The threshold for affordable housing is now 10 units (or 1,000sqm gross floorspace). As the proposed housing uplift is 4 units (approximately 300sqm internal floorspace), it is not considered reasonable to insist on the provision of affordable housing units on site or for the developer to make a financial contribution in lieu.

Design

The proposed lightwell is acceptable in terms of design because it merely involves removing the permitted pavement glazing. The proposed mesh balustrade will match the existing balustrade at the upper floors of the building and is therefore considered to be of an appropriate design.

Amenity

The proposed windows do not overlook any existing windows because of their location at basement level. The proposed lightwell and balustrade is sited to maintain access to the ground floor units and residential entrance. There are therefore considered not to be any amenity impacts in terms of overlooking or obstructing the existing entrances. In terms of the amenity of future occupiers of the proposed development, this is discussed earlier in the assessment.

Transport

The site has a good Public Transport Accessibility Level (PTAL of 4) and has existing off street spaces in a basement car park. The 4 additional units are considered to be suitable to be made car free through a section 106 agreement. The applicant has indicated a willingness to enter into this agreement.

Generally the Council would seek 1 cycle storage space per new residential unit created to promote sustainable travel. The plans show the addition of two cycle parking stands in the existing basement cycle parking area. Given that this is a conversion of an existing property it is considered that the additional two spaces are acceptable.

Recommendation – Grant planning permission subject to a S106 legal agreement for car free housing.

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