

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		19/04/2010	
		N/A		<b>Consultation Expiry Date:</b>		18/02/2010	
<b>Officer</b>				<b>Application Number(s)</b>			
Eimear Heavey				2009/4431/P			
<b>Application Address</b>				<b>Drawing Numbers</b>			
65/67 Kentish Town Road London NW1 8NY				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>				
		Edward Jarvis					
<b>Proposal(s)</b>							
Change of use of number 67 ground floor from offices (Class B1) to a cafe (Class A3); conversion of upper floors of 65 & 67 from 2 maisonettes to 6 new (1 bedroom) residential flats and 6 new studio flats (12 in total) at first, second and third floor levels. Erection of single storey rear extension to number 67 and enlargements to the first floors of 65 & 67. Erection of a mansard roof extension to 65 & 67 at second and third floors; associated external alterations including new front lightwell and staircase access to basement at number 67.							
<b>Recommendation(s):</b>		Refuse planning permission					
<b>Application Type:</b>		Full Planning Permission					
<b>Conditions or Reasons for Refusal:</b>		Refer to Draft Decision Notice					
<b>Informatives:</b>							
<b>Consultations</b>							
<b>Adjoining Occupiers:</b>		No. notified	71	No. of responses No. electronic	00 00	No. of objections	00
<b>Summary of consultation responses:</b>		<p>A <b>site notice</b> was displayed from 28/01/2010 until 18/02/2010 and that application was advertised in the Ham and High on 07/01/2010 and 28/01/2010.</p> <p><b>Adjoining occupiers/owners:</b> No reply to date.</p> <p>Thames Water: No objection with regard to either water or sewerage infrastructure. The installation of a fat trap is recommended for the proposed A3 use.</p>					
<b>CAAC/Local groups comments:</b>		<p>The application site is not located within a Conservation Area.</p> <p><b>Local Groups:</b> No reply to date.</p>					
<b>Site Description</b>							
<p>The application site comprises the existing Quinn's public house on the western side of Kentish Town Road along with the adjoining property of 67a Kentish Town Road which has ground floor office use. Both properties have ancillary residential use on the upper floors but are not linked.</p> <p>The site is located at the junction of Kentish Town Road and Hawley Road, and the buildings not listed, nor are they located within a Conservation Area. However the application site is opposite Jeffrey's Street Conservation Area and within the setting of a number of listed buildings. The site is also located within a designated town centre.</p>							

## Relevant History

### 65 Kentish Town Road

**8802025** – Planning permission *refused* in July 1988 for the Erection of an extension at ground 1st and 2nd floor level on the return frontage to Hawley Road and elevational alterations in connection with the use of the ground floor as a wine bar and the change of use of the upper floors from residential use to use as a guest house (Class C1).

**8903474** – Planning permission *refused* in October 1989 for the erection of a rear kitchen extension at first floor level to provide kitchen and dining facilities to the public house.

**9003472** – Planning permission was *granted* in April 1991 for the erection of an extension at ground and first floor levels to provide an ancillary kitchen to the existing public house

### 67 Kentish Town Road

**2004/0025/P** – Planning permission was *refused* in March 2004 for the change of use from Class A2 use at ground and basement into one 2-bedroom flat and one 1-bedroom flat and alterations to the front elevation at ground floor and basement levels through the creation of a lightwell with railings at ground floor level.

## Relevant policies

Set out below are the UDP policies that the proposals have primarily been assessed against. However, it should be noted that recommendations are based on assessment of the proposals against the development plan taken as a whole together with other material considerations.

### **London Borough of Camden replacement Unitary Development Plan 2006**

SD1 Quality of Life  
SD2 Planning Obligations  
SD6 Amenity for occupiers and neighbours  
SD8 Disturbance  
SD9 Resources and energy  
SD12 Development and construction waste  
H1 New Housing  
H2 Affordable housing  
H4 Protecting Affordable housing  
H7 Lifetime homes and wheelchair housing  
H8 Mix of units  
E2 Retention of existing business use  
R1 Location of new retail and entertainment uses  
R2 General impact of retail and entertainment uses  
B1 General design principles  
B6 Listed Buildings (setting)  
N4 Providing public open space  
N5 Biodiversity  
T1 Sustainable Transport  
T3 Pedestrians and cycling  
T7 Off-street parking, city car clubs and city bike schemes  
T8 Car free housing and car capped housing  
T9 Impact of parking  
T12 Works affecting highways

### **Camden Planning Guidance 2006**

#### **London Plan [Consolidated with Alterations since 2004] February 2008**

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

#### Core Strategy Proposed Submission

CS14 - Promoting high quality places and conserving our heritage  
CS15 - Protecting and improving our parks and open spaces & encouraging biodiversity  
CS16 - Improving Camden's health and well-being  
CS17 – Making Camden a safer place  
CS1 – Distribution of growth  
CS5 – Managing the impact of growth and development  
CS7 – Promoting Camden's centres and shops

## CS8 – Promoting a successful and inclusive Camden

### Core Development Policies Proposed Submission

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

DP28 – Noise and vibration

DP12 – Supporting strong centres

DP16 – The Transport implications of development

DP17 – Walking, cycling and public transport

DP18 – Parking standards and limiting the availability of car parking

*As the draft LDF Core Strategy and Development Policies documents have now been published, they are material planning considerations. However, as a matter of law, limited weight should be attached to them at this stage.*

## **Assessment**

### **Proposal**

Planning permission is sought for the change of use of number 67 ground floor from offices (Class B1) to a cafe (Class A3); conversion of upper floors of 65 & 67 from 2 maisonettes to 6 new (1 bedroom) residential flats and 6 new studio flats (12 in total) at first, second and third floor levels. Erection of single storey rear extension to number 67 and enlargements to the first floors of 65 & 67 and erection of a mansard roof extension to 65 & 67 at second and third floors; associated external alterations including new front lightwell and staircase access to basement at number 67.

### **Land Use Issues**

#### Principle of the change of use

The ground floor level of 67a Kentish Town Road covers an area of approximately 128sq metres and was last used as B1 office space (however previous planning history refers to an A2 use at the site as late as 2004).

The premises are currently vacant and it is now proposed to convert this space to a café (Class A3). Policy E2 of the UDP (2006) states that the council will not grant planning permission for development that involves the loss of a business use on a site where there is potential for that use to continue. In this instance the site is located within a designated town centre, is surrounded by other commercial uses and hence there would be no objection to the introduction of an A3 use along this frontage. It is also considered that the office space of 128sq metres would not lend itself well to be used as flexible office space and the site is not conveniently located to provide for servicing for large vehicles.

On balance it is considered that the potential for business use to continue at this site is restricted in terms of Policy E2 and hence, the loss of the office use is not objected to.

The proposed A3 use requires assessment under Policy R2 of the UDP (2006). This policy states that the Council will only grant planning permission for development for food and drink uses provided the new use will not cause harm to the area in terms of amenity, character, function and viability and provided the area is accessed by a choice of means of transport.

As the application site is located within a designated town centre, the introduction of an A3 use into an existing vacant unit is considered to enhance the vitality and viability of the area and would be in keeping with the main function of a town centre by providing extra choice for the public. The applicants have outlined in their design and access statement (para. 6.8) that no hot food will be cooked on site and hence no flues or kitchen extract fans will be required.

Furthermore, the application site is accessible by a choice of means of transport, with Camden Town Underground station and Camden Road over-ground station 370m and 240m away, respectively. The site is also served well by various bus routes from the bus stop on Hawley Road. It is also noted that the Council's Neighbourhood renewal Officer has no objection to the proposed A3 use on site.

In light of this proposed A3 use at 67a Kentish Town Road is in keeping with the underlying aims of Policy R2 of the UDP (2006).

### New housing

The residential accommodation at the application site currently comprises of 2 maisonettes. The provision of new residential floorspace is a key aim of the Unitary Development Plan (2006) and as such the proposal to provide 12 new residential units over 300sq metres of additional floorspace at second and third floor level is welcomed in the context of Policy H1 of the UDP (2006).

### **Design Issues**

This corner site is opposite Jeffrey's Street Conservation Area and within the setting of a number of listed houses opposite and to the south. It terminates a terrace of less prominent and ornate houses, and sits at a busy and wide junction which goes some way to visually detaching it from the listed context. The wide road, the tall estate buildings to the rear and the pub's aesthetic independence from the terrace suggest that there is some opportunity for greater height here.

#### Extension over low wing.

An increase of height over this low wing is likely to be acceptable. However the use of a mansard over a building of only two storeys, which in its entirety would be lower than the cornice of the host building, reads awkwardly and adds visual bulk to the building. Any additional storey here would be more appropriately handled as a complete additional storey and would suitably be finished as masonry wall with windows which would result in a higher quality elevation.

#### Extension over corner block

The mansard is an effective method of increasing height on many traditional urban buildings, but relies principally on the subordinate and recessive nature of the form married with a limited visual presence provided by narrow urban streets of single frontage property. This exposed and visible corner property would result in a mansard within the immediate eye line and would read a solid three dimensional element without the necessary recessive aspect. The relatively small footprint to height (the corner block is taller than wide) results in a distorted and uncomfortable mansard roof which reads as a truncated pitched roof rather than as a true mansard.

The mansard is considered to be too tall for the parent building, seemingly sitting on top of the parapet and with overly large windows sitting fully above the parapet line. This is not in accordance with the Guidance in section 41 of Camden Planning Guidance. The hierarchy of fenestration and floor height of the host building are not reflected in the proportions of the proposed.

Although it is acknowledged that a roof extension on this block may be acceptable, the traditional mansard approach is not appropriate to the host or the setting. The prominence that any roof extension on this corner block suggests that a more imaginative and positive architectural approach, which works with and strengthens the underlying character and form of the building would be worth further investigation. However Camden Planning Guidance steers away from permitting roof extensions on previously unimpaired terrace rooflines. Any proposal would have to be of exceptional architectural quality and not harm the relationship that the host has with the terrace as a whole to be considered acceptable.

The proposed additions in the form of mansards are considered to add visual bulk to this corner site, thus having an adverse impact on the original building and on the surrounding area and contrary to the provisions of Policies B1 and B3 of the London Borough of Camden Replacement Unitary Development Plan (2006).

### **Amenity Issues**

Policy SD6 seeks to ensure that the amenity of occupiers of neighbouring properties is protected. It states that planning permission will not be granted for development that causes harm to the amenity of occupiers and neighbours in terms of loss of daylight, sunlight and outlook. It is noted that no letters of objection were received from neighbouring properties.

Due to the orientation of the building and the heights of the neighbouring properties, the proposed development is not considered to cause issues in terms of outlook or loss of sunlight or daylight. The additional bulk at second floor level will result in 8 windows facing directly onto Hawley Road, this is not considered to be problematic given that there is a distance of 20metres to the properties on the opposite side of Hawley Road. It is noted that there are already 9 windows at first floor level facing on to Hawley Road.

The proposal would also result in an extra 5 windows facing north, 2 of which would be at first floor level where there is already 2 windows at this level and hence is not problematic. The three additional windows at second floor level would be obscure glazed in order to prevent any loss of privacy or overlooking into the gardens of neighbouring properties. It is noted that the five additional windows at first and second floor levels will serve a stairwell and an access corridor to the flats and hence they will not be habitable rooms where people could stand and overlook neighbouring gardens.

There will be no additional windows in the rear elevation and hence there will be no loss of privacy or overlooking to the flats on Hawley Road. In any case, this block of flats is set back from the road and is not located directly behind the application site, hence it is well protected in terms of amenity in this instance.

### **Mix of units**

Policy H8 of the UDP (2006) seeks to secure a range of unit sizes, including large and small units, in order to meet local housing requirements. The application proposes 6 x 1 Bed units and 6 x 1 studio flats, this is an over dominance of small units and no justification has been provided as to the reasoning behind a proposal for 12 x one bed units. The need for a mix of units is supported by paragraph 2.62 of the UDP, which states that in conversion schemes to one-bed flats will only be considered acceptable where they do not involve the loss of units with 3 or more beds. In this case, one of the existing maisonettes is a larger three-bed unit, which will be lost in favour of one-beds/studios within the proposed conversion.

It is considered that the application site is capable of providing a better mix of units and in light of this, the proposed development does not satisfy Policy H8 of the London Borough of Camden Replacement Unitary Development Plan (2006).

### **Standard of Accommodation**

The proposed development should designed in accordance with the residential development standards outlined in Camden Planning Guidance (2006) as follows:

Number of persons	1	2	3	4	5	6
Minimum floorspace (sqm)	32	48	61	75	84	93

The schedule of floor areas of the proposed 12, 1 x bed flats is set out below:

Flat no.	1	2	3	4	5	6	7	8	9	10	11	12
Floorspace size (sqm)	36	35	32	32	47	33	33	32	<b>25</b>	48	<b>20</b>	<b>20</b>

As can be seen from the above table, 3 of the units proposed fall well short of the minimum space standards outlined in the Residential Development Standards section of the Camden Planning Guidance (p.194). The issue of the standard of accommodation in conversion schemes is also specifically addressed by Policy H8 of the UDP (2006), and in particular paragraph 2.63. Given that these 3 units will result in substandard accommodation, the proposal is considered to be unacceptable in terms of Policy H8 of the London Borough of Camden Replacement Unitary Development Plan (2006).

### **Affordable Housing**

Policy H2 of the Unitary development Plan (2006) seeks to ensure 50% of affordable housing from all residential development which crosses the relevant thresholds as a result of the Further Alterations to the London Plan, which were published by the Mayor on 19 February 2008, London Plan Policy 3A.11 expects that affordable housing is provided on sites with a capacity to provide 10 or more units. This supersedes the 15-unit threshold in UDP Policy H2, although the rest of that policy remains extant.

This proposal involves the provision of 10 additional residential units, and therefore a contribution towards affordable housing is required as part of these proposals. The applicants have not provided any justification as to why no affordable housing will be provided on site, and given that it is stated in the design and access statement (para 5.1) that 12 flats would be for sale on the private market, an affordable element would be required.

In the absence of such justification, the proposal is considered to be contrary to the provisions of Policy H2 of the London Borough of Camden Replacement Unitary Development Plan (2006).

### **Lifetime Homes and Wheelchair Housing**

Policy H7 requires that 10% of the dwellings are suitable for wheelchair users and that all new dwellings be designed in accordance with lifetime homes standards.

### Residential

The applicant has submitted a lifetime homes statement which indicates that all lifetime homes standards which

are applicable to this development have been complied with. The access officer queried some elements of the proposal which did not appear to be wholly in compliance. The access officer has stated that the approach to all entrances should be level or gently sloping and it is not clear if this has been achieved in this instance. Furthermore, the proposal does not incorporate a covered entrance, no details have been provided of the communal staircase design and the required 300mm clear space to the door edge has not been provided to a number of doors on all levels. Finally, the applicant has not identified a specific unit for wheelchair housing and the required transfer space does not appear to have been achieved in any of the bathrooms.

#### Café

The access statement indicates level access is provided to the new premises however the plans and existing situation have a single step into the premises. This will be required to be removed or a condition attached to ensure level access is provided. Internally a wheelchair accessible WC is indicated however the drawings suggest this is undersized.

Should all other aspects of the scheme be acceptable, compliance with the provision of lifetime homes and 10% of the units as wheelchair housing the proposed development could be secured by condition in accordance with Policy H7 of the London Borough of Camden Replacement Unitary Development Plan (2006).

#### **Transport Issues**

The site is located on Kentish Town Road within the designated Kentish Town town-centre and just north of Camden Town town centre. There is no vehicular access to the site and none is proposed. The site has a Public Transport Accessibility Level (PTAL) of 6a (excellent).

#### Cycle parking

Policy T3 states that the Council will only grant permission for development that it considers to make satisfactory provision for pedestrians and cyclists. Camden's Parking Standards for cycles (*Appendix 6 of the Unitary Development Plan*), states that 1 storage or parking space is required per residential unit. This proposal is for 12 residential units; therefore 12 cycle storage/parking spaces are required. The applicant has not included provision for the required amount of cycle storage/parking in the proposed design, as only 10 spaces have been included. In addition, the applicant has provided cycle parking in the basement of the development, accessible only by a flight of stairs. This violates Camden's cycle parking standards, as cycle parking should have level ground floor access, or if it is on another floor, have the use of a lift that is large enough for a bicycle and is located close enough to the bike store to not require cyclists to go through a series of doors.

Given that the required amount of cycle parking has not been provided, the proposal is considered to be contrary to the provisions of Policy T3 of the London Borough of Camden Replacement Unitary Development Plan (2006).

#### Car-free housing

Policy T8 (UDP) seeks for car-free housing in the Central London Area, The King's Cross Opportunity Area; Town Centres; and in other areas within Controlled Parking Zones that are easily accessible by public transport whilst Policy T9 (UDP) states that the Council will not grant planning permission for development that would harm on-street parking conditions or add to on-street parking where existing on-street parking spaces cannot meet demand. Therefore, this development would require a Section 106 planning obligation for a car-free development for the following reasons:

- The site has a Public Transport Accessibility Level of (PTAL) of 6a (excellent) and is within a Controlled Parking Zone.
- The site is within the "Clear Zone Region", for which the whole area is considered to suffer from parking stress.
- Not making the development car-free would increase demand for on-street parking in the Controlled Parking Zone (CPZ) the site is within. Kings Cross (CA-D) CPZ operates Mon-Fri 08:30-18:30, Sat 08:30-13:30, and has a ratio of parking permits to available parking bays of 1.17. This means that more parking permits have been issued than spaces available.

In the absence of a S106 legal agreement securing a car free development, the proposal would not satisfy Policies T8 or T9 of the London Borough of Camden Replacement Unitary Development Plan 2006.

#### Construction Management Plan (CMP)

Kentish Town Road, which runs in front of the location, is a busy road carrying large volumes of traffic including

several bus routes. There are double yellow lines here and no provision for stopping or loading for construction vehicles. The adjacent side street, Hawley Road, also carries a large amount of bus traffic and has a dedicated cycle lane running parallel to the site. The access road to the rear of the site has a very narrow entrance which could be obstructed by construction vehicles accessing this area. As construction vehicles have the potential to be stopping alongside the site on Hawley Road during construction, and some amount of construction activity may need to take place along this narrow footway, obstruction of the cycle lane may occur. Therefore, a CMP would be required to avoid any adverse impacts to the highway network and the surrounding area

A Construction Management Plan outlines how construction work will be carried out and how this work will be serviced (e.g. delivery of materials, set down and collection of skips), with the objective of minimising traffic disruption and avoiding dangerous situations for pedestrians and other road users. This scheme has not provided adequate information regarding how this development will be constructed or serviced during construction. Therefore, a Construction Management Plan will need to be submitted and approved before any works start on site, and approval should be secured via a Section 106 planning obligation.

In the absence of a S106 legal agreement securing a Construction Management Plan, the proposed development would be contrary to Policy T12 and SD8 (Disturbance from demolition and construction) of the London Borough of Camden Replacement Unitary Development Plan 2006

#### Servicing Management Plan

UDP Policy T12 seeks to protect the safety and operation of the highway network. For some development this may require control over how a site is serviced through a Servicing Management Plan (SMP) secured via S106. As the number of servicing trips for this site will increase with the creation of the café and it is unclear how the residents' basement refuse store will be accessed for collection, and the site is constrained, with double yellow lines in front of the site, an operating cycle lane and bus stop on the side, and a narrow alleyway in the rear, it is considered that a Servicing Management Plan is required in order to mitigate any adverse impacts on the highway network and surrounding areas.

In the absence of a S106 legal agreement securing a Servicing Management Plan, the proposed development would be contrary to Policy T12 of the London Borough of Camden Replacement Unitary Development Plan 2006

#### Works to Highways

In order to mitigate the impact of the increase in trips this development will generate, and to tie the development into the surrounding urban environment, a financial contribution would be required to repave the footway adjacent to the site as well as converting the vehicular crossover to the rear of the site to a continuous type. This work and any other work that needs to be undertaken within the highway reservation would need to be secured through a Section 106 (Town and Country Planning Act 1990) Agreement with the Council. The Council would undertake all works within the highway reservation, at the cost to the developer.

In the absence of a S106 legal agreement securing a financial contribution, the proposed development would be contrary to Policy T12 of the London Borough of Camden Replacement Unitary Development Plan 2006.

### **Sustainability**

#### Renewable Energy

Developments over 1,000sqm must include provision renewable energy on site. The provision of 10% of energy requirements of any new development to be provided through renewable energy sources, as specified in the CPG, has been superseded by further amendments to the London Plan in February 2008. This has specified that new developments should aspire to meet a 20% target. In accordance with the requirements of the London Plan (consolidated with alterations 2004) 2008 and Policy SD9 as outlined above, the applicant has submitted an energy statement.

The applicants' submitted Energy Statement indicates that it is possible to achieve 17.5% by the erection of photovoltaic's on the roof, however this is not indicated on the submitted plans. Whilst this amount falls short of the 20% target outlined in the London Plan, it is acknowledged that the site is severely constrained when seeking to provide practical measures to secure the necessary renewable targets.

In the absence of a S106 legal agreement securing an Energy Statement as a head of term, the proposals are considered to be contrary to Policy SD9 of the London Borough of Camden Replacement Unitary Development Plan 2006.

#### Code for Sustainable Homes

The applicants have submitted the relevant EcoHomes pre-assessment, which indicates that the scheme will achieve a 'very good' score, which is the minimum requirement outlined in Camden Planning Guidance. In addition to this, the assessment highlights that the development can meet the percentage targets in the Energy, Water and Materials sections, as required by Camden Planning Guidance.

However, in the absence of a legal agreement securing the implementation of an Eco-Homes pre-assessment, including a post construction assessment, the proposed development would not satisfy Policy SD9 of the London Borough of Camden Replacement Unitary Development Plan 2006.

Water consumption: In order to minimise the use of water consumption, it is proposed that all WC's are fitted with dual flush cisterns and aerated taps, all bathrooms will be fitted with a shower.

#### **Educational and Open Space Contributions**

The proposed development provides 12 1 x bed units and therefore there is a presumption that such flats would not house families. Therefore in this instance, a financial contribution is not required towards the provision of educational facilities within the local area.

Policy N4 of the Unitary Development Plan (2006) requires that public open space deficiency is not created or made worse by development. Consequently, if a development is likely to lead to increased use of public open space, where appropriate a contribution should be made to the supply of public open space.

Camden Planning Guidance (2006) states that 9sqm of public open space should be provided per person on developments providing 5 or more dwellings. Based on the number of new units proposed (7 new units) the quantity of open space provision sought in accordance with Camden Planning Guidance would be 63sqm (7new units x 9sq metres). In terms of a financial contribution this would equate to a payment of £5,261 in lieu of open space provision on site.

In the absence of a S106 legal agreement securing a financial contribution towards open space, the proposed development could contribute unacceptably to pressures on the Boroughs educational and open space facilities, contrary to policy N4 of the London Borough of Camden Replacement Unitary Development Plan 2006.

#### **Community Safety**

Policy SD1 of the Unitary Development Plan (2006) states that the Council will require development to incorporate design, layout and access measures which address personal safety, including fear of crime, security and crime prevention. Camden's crime prevention officer has reviewed the proposal and has no objection.

**Recommendation:** Refuse planning permission for the reasons set out in the decision notice.

### **Disclaimer**

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