

<b>Address:</b>	<b>Railway Arches</b> <b>52-66 Wilkin Street Mews</b> <b>London</b> <b>NW5 3NN</b>		
<b>Application Number:</b>	2007/5163/P	<b>Officer: Bethany Arbery</b>	
<b>Ward:</b>	Haverstock		
<b>Date Received:</b>	11/10/2007		
<b>Proposal: Change of use of unit 52 from Class B2 (General Industry) to Class A1 (retail), erection of rear extensions to units 56-58, reinstatement of brick wall to rear (east) elevation of units 55 and 59-66, alterations to western elevation of units 52-66, installation of new gates, alterations to southern elevation of unit 52 fronting onto Prince of Wales Road and (part) resurfacing of mews.</b>			
<b>Drawing Numbers: Site location plan; 05/5701/201; /202; /203; /204; /213 (part); /214; /SK/002; /SK/004; and /SK/007.</b>			
<b>RECOMMENDATION SUMMARY: Grant conditional permission subject to a Section 106 Agreement</b>			
<b>Applicant:</b>		<b>Agent:</b>	
Network Rail Infrastructure Ltd Town Planning Team 9th Floor 1 Eversholt Street London NW1 2DN		N/A	

## ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	General Industrial (Class B2)		875 sqm
	Sui Generis		150.92 sqm
	Total		1025.92 sqm
Proposed	Business (Class B1)		480 sqm
	General Industry (Class B2)		549 sqm
	Shops (Class A1)		24 sqm
	Sui Generis		150.92 sqm
	Total		1203.92 sqm

## **OFFICERS' REPORT**

**Reason for Referral to Committee: Referred by the Director after briefing Members on 19<sup>th</sup> May 2008 [Clause 3 (ix)].**

### **1.0 SITE**

- 1.1 The application site is the arches, which are located below the railway line (Overground) which runs north from Kentish Town West Station, on Wilkin Street Mews. Under the railway line there are 15 units (Nos. 52-66). Nos. 55-66 were last used for general industrial use (Class B2). Units 53 and 54 are ex-operational space below the platform structure owned by Network Rail and have never been used as commercial space. Unit 52, the former ticket office, was last used as part of a 'body (car) repair workshop' and has operated as a Class B2 use.
- 1.2 The site, the southern end, is partially located within the Inkerman Conservation Area and the Kentish Town Town Centre.

### **2.0 THE PROPOSAL**

- 2.1 The proposal is to refurbish the existing arches and, for those towards the southern end of the site, for them to be used for alternative uses. The reason for this as given by the applicant, Network Rail, is their proximity to the approved Dalby Street scheme (2005/4187/P) which includes residential accommodation (see planning history).

The proposed use of the arches is as follows

- Unit 52 retail (Class A1)
- Units 53-54 station use (Sui Generis)
- Units 55-58 business use (Class B1)
- Units 59-66 general industrial (Class B2)

The proposed change of use of arches 55-58 is permitted development by virtue of Class B, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995. Units 53-54 and 59-66 remain in their existing use. Therefore, the only element of the proposal which results in a material change of use which requires planning permission is that of the proposed change of use of Unit 52 from Class B2 to Class A1.

The proposal also includes external alterations to the arches which include the following:

- The addition of rear (east elevation) extensions to arches 56-58;
- Reinstatement of brick elevation to the east elevation of arches 55 and 59-66;
- Elevational alterations to the western elevation of the arches;
- Installation of new gates within the mews adjacent to unit 57/58;

- Elevational alterations to the southern elevation of unit 52 which fronts onto Prince of Wales Road; and
- Resurfacing (part) of the mews.

In order to facilitate the refurbishment works outlined above some demolition work is required. To the rear of the arches informal lean to structures had been erected, these are to be removed. There is a single-storey structure which has been erected to the southern end of the mews and which links through to Unit 52. This is to be removed. Part of the south elevation of Unit 52 which fronts onto Prince of Wales Road adjacent to the station entrance is also to be demolished in order to create a new pedestrian entrance to the mews from the south.

## 2.2 Revisions

Following advice from officers a number of amendments were made to the proposal development:

- The application originally proposed removal of the granite setts on the north portion of the mews. The granite setts are now to be retained.
- The proposed alterations to the south elevation of Unit 52 onto Prince of Wales Road have been amended. In addition to the glazed double doors, a new window is to be installed. This window seeks to replicate the design, form and detailing of the existing window opening which would be lost as a result of the partial demolition of this elevation.

## 3.0 RELEVANT HISTORY

### 3.1 52 & 52A Prince Of Wales Road Travelers Site to rear (part) Dalby Street, (part) Wilkin Street Mews

#### **2004/2689/P & 2004/2690/C**

Planning permission and conservation area consent were granted on 23/12/04 for demolition of 52 & 52A Prince of Wales Road and redevelopment of the site by the erection of a 7-storey mixed use building to accommodate cafe/restaurant (Class A3) at part ground and ground floor mezzanine levels, 45 residential flats comprising of 27 private and 18 affordable (12 x 1 bed, 24 x 2 bed and 9 x 3 bed) on ground to sixth floor levels, basement parking for 15 cars and 26 cycles, formation of new one way vehicular access with turning circle to link in with Wilkin Street Mews, pedestrian access alongside the Talacre Open Space and the provision of business unit (Class B1) on part of the site of 52A Prince of Wales Road.

### 3.2 52 Prince Of Wales Road, Travellers Site to rear (part) Dalby Street, (part) Wilkin Street Mews

#### **2005/4187/P**

Planning permission was granted on 10/01/06 for demolition of 52 Prince of Wales Road and redevelopment of the site by the erection of a 7-storey mixed use building to accommodate Class D1/A1/A2/A3 or B1 units at part ground and ground floor mezzanine levels, 55 residential flats comprising of 36 private and 19

affordable (1 x studio, 26 x 1-bed, 17 x 2-bed and 11 x 3-bed) on ground to sixth floor levels, basement parking for 18 cars and 34 cycles, formation of new two way vehicular access with turning circle, pedestrian access alongside the Talacre Open Space.

To enable the development part of Dalby Street needs to be stopped up. The stopping up order was opposed by local residents and was the subject of an inquiry. On the 21/02/08 an Inspector recommended that the order be made subject to a number of modifications.

#### 4.0 **CONSULTATIONS**

##### 4.1 **Local Groups**

###### **Talacre Gardens Neighbourhood Watch Group**

- Wholesale resurfacing of the area is alarming. The mid/late 19<sup>th</sup> Century granite setts are one of the areas most attractive and defining characteristics;
- The issue of access is complex. For Network Rail to rely on a road for access that may not materialise is imprudent;
- The adequacy of the New Dalby Street to serve additional new development is in dispute;
- The proposal should only be permitted subject to the creation of a permanent pedestrian route 24/7 to Kentish Town West Station from Wilkin Street; and
- The Wilkin Street Railway Arch is too low and the turn into it too tight for all permissible service vehicles.

###### **Inkerman Area Residents' Association**

- The loss of the attractive former booking office building would be deplored locally. If they wish to puncture the face to establish a permanent pedestrian route through the faced that might be possible.

###### **Kentish Town Conservative Association**

- The Association has written in support of the proposal;
- Those who live near to Kentish Town West Station are delighted that the new businesses occupying some of the arches are offices and shops; and
- The car repair firms create noise and use inflammable and toxic liquids to the detriment of the amenity of nearby residents.

##### 4.2 **Adjoining owners/occupiers**

A site notice was displayed from 14/03/08 to 04/04/08.

<b>Original</b>	
Number of letters sent	23
Total number of responses received	0

No response to date.

#### 5.0 **POLICIES**

### 5.1 **London Borough of Camden Unitary Development Plan (2006)**

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.

S1/S2 - Sustainable development

SD1 - Quality of life

SD6 - Amenity for occupiers and neighbours

B1 - General design principles

B3 - Alterations and extensions

B7 – Conservation areas

T3 - Pedestrians and cycling

T12 - Works affecting highways

T16 - Movement of goods

R1A - Location of new retail and entertainment uses – shops and services

R2 - General impact of retail and entertainment uses

E2 - Retention of existing business uses

E3 - Specific business uses and areas

### 5.2 **Camden Planning Guidance (2006)**

### 5.3 **Inkerman Conservation Area Statement (2003)**

## 6.0 **ASSESSMENT**

### 6.1 **Land Use**

As stated above, the only change of use occurring which requires planning permission is that of Unit 52 from Class B2 (General Industrial) to Class A1 (Retail). By virtue of the Town and Country Planning (General Permitted Development) Order 1995, this unit could be changed to Class B1 (Business) without the need to obtain planning permission. As there is no means of protecting the existing Class B2 (General Industrial) use, it is not necessary to consider the acceptability of its loss, but it is necessary to consider whether the loss of the Class B1 (Business) use is acceptable in land use terms.

Employment floorspace is protected under Policy E2 and E3 of the Unitary Development Plan (2006). Policy E2 states that planning permission will not be granted for development that involves the loss of a business use on a site where there is the potential for that use to continue.

The justification provided by the applicant for the loss of the employment floorspace at the southern end of the site is that it is not compatible with the surrounding residential accommodation, in particular that recently approved at Dalby Street (see planning history). Whilst this might be the case with a Class B2 (General Industrial) use (to an extent supported by the comments made by objectors) Class B1 (Business) uses should by virtue of their definition be operable without harm to residential amenity. The Use Classes Order 2005 sets out the following definition:

*Class B1: Use for all or any of the following purposes:*

- (a) as an office other than a use within Class A4 (financial and professional services),*
- (b) for research and development of products and processed, or*
- (c) for any industrial process,*

*being a use which 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.*

Notwithstanding the comments above, if officers were to accept the Dalby Street scheme as the sole reason for justification of the loss of employment floorspace, as it has not yet been constructed the current application would need to be tied to that proposal via a legal agreement.

Officers are of the view that the applicant's justification for the loss of Unit 52 as employment floorspace is flawed. However, irrespective of this, they are of the opinion that notwithstanding Policy E2 the loss is acceptable in this particular instance. The reason for this is that the proposed loss of employment floorspace at Unit 52 is offset by the provision of additional useable employment floorspace in Units 56-58. The overall amount of employment floorspace within the mews will remain almost unchanged; it will also be distributed more effectively, providing 3 good sized units rather than 1 large unit and 3 very small units.

The introduction of retail in this location is welcomed. Unit 52 is located on Prince of Wales Road adjacent to the station entrance to Kentish Town West and within the Kentish Town, Town Centre. Policy R1 and R2 consider that this is a location which is appropriate for new shopping facilities.

## **6.2 Amenity**

The proposed change of use from Class B2 general industrial to Class B1 light industrial and Class A1 retail is likely to have a positive impact on the amenity of residents living in the local area. General industrial as a result of the noise and dirt it creates is not normally considered to be compatible with residential areas; light industrial by the nature of its definition is felt to be compatible as is retail.

The rear extensions to units 56-58 abut the rear elevation of 1A Perren Street. This building is in commercial use and has no window openings in its rear elevation. It is considered that there will be no adverse impact on the amenity of the occupiers of this property. The remaining elements of the scheme do not raise any amenity issues. The proposal is therefore considered to be comply with Policy SD6 of the Unitary Development Plan (2006).

## **6.3 Design**

The arches are currently partially enclosed. Each arch has a painted brick soldier course; the elevation is predominantly painted or exposed brickwork. The openings into the individual units are either enclosed by timber doors or metal roller shutters. Some of the units have more than one opening. The proposal includes external

changes to the western elevation of the arches which fronts onto Wilkin Street Mews.

Units 59-66 are to be enclosed with yellow stock brick to the curve of the arch. They are proposing to use blue engineering bricks to provide a plinth and also a header course below the arch. The area above the header course and below the existing arch is to be infilled with glazing set within an aluminium frame. Two openings are to be provided within the elevation, a larger one which would allow vehicles and machinery to be moved in and out of the industrial unit and also a pedestrian entrance door. The vehicle opening will be enclosed at night by steel roller shutters. Units 55-58 are to have their brickwork removed below the arch and the space infilled entirely with glazing set within an aluminium frame. The existing elevational treatment to the mews has no uniformity. The mix of different brick types some paint, some exposed, together with numerous different sized openings and styles of roller shutters does very little to enhance the appearance of this area. By contrast the proposed alterations to the western elevation would bring a coherent and uniform appearance to the arches and significantly improve the appearance of this area.

The far southern end of the mews is enclosed by the front wall of Unit 52 which fronts onto Prince of Wales Road. This along with the single-storey structure to the rear is to be demolished to allow access to the mews from the south. Objection has been raised to these works by the Inkerman Area Residents' Association.

The façade of Unit 52, the former ticket office, has an ornate and pleasing façade, although it should be noted that it is not referred to in the conservation area statement as making a positive contribution to the area (the adjacent property No. 52 is noted as making a positive contribution). The Council has previously given consideration to demolition of this structure and consent was granted in 2004 (see planning history). In view of this, it has not been possible to resist partial demolition of the front façade of this structure; however, the applicant has revised the proposal so that the existing form of the window opening is replicated on the façade to Prince of Wales Road. Whilst it is a shame that part of the façade should be demolished, it is considered that the overall improvements to the appearance of this building, in particular the removal of the single-storey structure of no architectural merit, and the mews in general and the appropriateness of the treatment to the south elevation outweigh these concerns.

To the rear of the arches there were a number of unauthorised lean to extensions; some of these have already been removed. It is proposed to repair the east elevation of Nos. 59-63 and to retain an open courtyard to the rear which would be accessible from only one of the units, similarly the east elevation of unit 55 will be repaired and a courtyard area enclosed. To the rear of 56-58 the lean to extensions are to be reconstructed to provide additional space to the units. These structures will not be visible from the street, although they are visible from the rear of properties which face towards the site and from the platforms of the train station. They are considered to be a considerable improvement on the former lean to structures. The proposed works to the eastern elevation of the arches will improve the general appearance of this area.

The proposal originally included repaving the area adjacent to the arches. Objection was raised to this element of the proposal from Talacre Gardens Neighbourhood Watch Group. The proposal has been revised so that the area immediately outside the arches is just to be repaired, and only where necessary as a result of damage are granite setts to be replaced. The area to the south end of the mews which currently has structures on it will need to be repaved; this should be done to match the northern end. A sample of the pavements should be secured by condition. There are existing gates at the northern end of the mews adjacent to Wilkin Street. The proposal will see these retained and a new set of gates installed within the mews. Full details of the new gates should be reserved by condition (see below).

#### 6.4 **Transport and Safety**

There is vehicular crossover access to the site from the north and access to the site from public transport is excellent (PTAL 5).

##### **Cycle Parking**

Camden's Parking Standards for cycles (*Appendix 6 of the Unitary Development Plan*), states that 1 storage or parking space is required per 250m<sup>2</sup> for A1 for staff and customers. The proposal only provides 24m<sup>2</sup> of new retail floorspace and therefore there is no requirement on the applicant to provide new cycle parking.

##### **Pedestrian Through Route to Kentish Town West Station**

The proposal includes demolition of those existing structures erected within the mews and the creation of a new opening onto Prince of Wales Road at the far [southern] end of the mews. As mentioned above, the northern end of the mews is at present enclosed by gates and it is not intended that these be removed. The proposal shows the insertion of a new set of gates in the centre of the mews adjacent to Units 57/58.

Significant discussion has taken place regarding the potential for opening up the mews so that it could provide a new pedestrian route from Wilkin Street to Kentish Town West Station. The creation of a new through route is highly desirable in the opinion of both Talacre Gardens Neighbourhood Watch Group and the Inkerman Area Residents' Association. They would like to see the mews kept as an open route 24/7.

The mews is not public highway, but is land owned by Network Rail. The land is currently not accessible to members of the public. Opening up the space either 24/7 or during working hours and allowing local residents to use it as a right of way could not reasonably be required as part of this development. Were this suggestion deemed to be appropriate, then it would very much be an aspiration and could only be delivered if Network Rail were agreeable to it.

The option of having the space open 24/7 is not considered by officers to be appropriate on community safety grounds. Policy SD1 of the Unitary Development Plan (2006) requires that through design the planning process be used to reduce the impact of crime. The mews does not benefit from a high level of natural surveillance. To the east it is flanked by the large blank rear wall of Talacre Sports Centre to the east are the arches and the railway platforms. Neither the arches nor



the railway station are utilised 24/7. To allow the mews to be open 24/7 could encourage residents to make use of a dark and secluded short cut which ultimately could put them in danger. In addition to the potential for crime targeted at residents using the space, its quiet and isolated nature would also make it a prime location for anti-social behaviour such as fly-tipping and graffiti.

Even opening the space up during daytime hours, were Network rail agreeable, poses some problems. The arches provide commercial floorspace for general and light industrial units who will have vehicles coming and going from the mews on a regular basis. Without segregated pedestrian footpaths there is a high potential for conflict between pedestrian and vehicle movement which might put pedestrian safety at risk.

Network Rail has advised that they are not willing to formally agree to open the mews 24/7 for public access. In the submitted proposal they show the southern portion of the mews being open 24/7, but the northern part being enclosed by gates. In reality the gates are likely to be open during working hours and therefore residents could make use of this new route; however, as stated above, this could not reasonably be required as a necessary consequence of the development. If the gates are located adjacent to units 57/58, as proposed, the dead end created when the central gates are closed would provide a hot spot for crime and anti-social behaviour. It is therefore recommended that they be repositioned to the far southern end of the site onto Prince of Wales Road. Given the prominence of the gates in the street scene, their design is extremely important and full details of the gates should be secured by condition (see design section above). A bollard should also be installed at the southern end to prevent vehicular access to the mews off Prince of Wales Road when the gates are open. All servicing should take place from the north end of the site, as existing; this is to be secured by condition.

The submitted drawings show the mews being linked to the vehicular access at New Dalby Street which would be formed as part of the 'Dalby Street development'. There is a safety issue of pedestrians potentially using the proposed paved mews to access the sports centre on the adjacent site. However, because there is no pedestrian footway between this paved area and the front door of the sports centre, pedestrians would be forced to walk in the carriageway between the paved area and the front door of the sports centre. This would need to be avoided for safety reasons, therefore pedestrians must be prevented from using the proposed paved area and encouraged to use the footway on the other side of New Dalby Street. To achieve this, a fence will need to be placed on the boundary of the proposed site. The applicant has agreed to this. It is also necessary as it is not clear whether the scheme on the adjacent site will be implemented and it is therefore necessary to ensure that the boundary is secured. It is recommended that a condition be imposed requiring the submission of details of the boundary treatment.

### **Works to Highway**

A section 106 agreement is required in order to secure repair works to the highway which may occur as a result of the development. The Council will undertake all works within the highway reservation, at the cost to the developer.

## **7.0 CONCLUSION**

7.1 Planning Permission is recommended subject to a S106 Legal Agreement to secure:

- Associated highways works

8.0 **LEGAL COMMENTS**

8.1 Members are referred to the note from the Legal Division at the start of the Agenda.