

Address:	55-57 Holmes Road London NW5 3AN	
Application Number:	2008/1304/P	Officer: Katrina Christoforou
Ward:	Kentish Town	
Date Received:	07/03/2008	
Proposal: Removal of existing plan room at roof level and erection of two additional stories to create three new self-contained residential flats.		
Drawing Numbers: Site Plan 001; 002; 049; 100; 150; 151; 152; 153; 200; 250; 251; 252; 253; 299; 300; 301; 302; 310; 350; 351; 352; 353; 354; 400; 401; 402B; 450A; 451A; 452A; 453A; 454.		
RECOMMENDATION SUMMARY: Grant planning permission subject to a section 106 agreement		
Applicant:	Agent:	
MRJ Rundell Associates Attn Mr Daniel Burt Unit 2A, The Courtyard 44 Gloucester Avenue LONDON NW1 8JD	As Applicant	

ANALYSIS INFORMATION

Land Use Details:			
	Use Class	Use Description	Floorspace
Existing	C3 Residential B1 Business		1893m ² 1350m ²
Proposed	C3 Dwelling House B1 Business		2284m ² 1350m ²

Residential Use Details:										
	Residential Type	No. of Bedrooms per Unit								
		1	2	3	4	5	6	7	8	Total
Existing	Flat/Maisonette									
Proposed	Flat/Maisonette		2	1						3

Parking Details:		
	Parking Spaces (General)	Parking Spaces (Disabled)
Existing	18	
Proposed	18	

OFFICERS' REPORT

Reason for Referral to Committee: The Director of Culture and Environment has referred the application for consideration as it involves the making of a planning obligation under Section 106 of the Town and Country Planning Act 1990 [Clause 3 (vi)]

1. SITE

- 1.1 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.
- 1.2 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.
- 1.3 The building is not listed or within a conservation area but the site is visible from the Inkerman Conservation area to the rear (south) of the building and is just outside of the Kentish Town Industry Area.

2. THE PROPOSAL

- 2.1 The removal of the existing plant room at roof level and the erection of two additional storeys to create 2 additional 2 bedroom residential units and 1 additional 3 bedroom unit.

3. RELEVANT HISTORY

- 3.1 **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** (28/01/1998) for the following reasons:
 - The proposed development would result in the loss of an existing warehouse use, which would harm the range of employment uses in the Borough and so would be contrary to draft Unitary Development Plan policy EC5.
- 3.2 This proposal (PE9800475R1) was subsequently **allowed at appeal** on the 24/05/1999.
- 3.3 **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).

- 3.4 **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)
- 3.5 **2007/0862/P** - Demolition of plant room at roof level and erection of 2-storey roof extension to provide three self-contained flats (Class C3) **Refused** (10/05/2007) for the following reasons:
- The proposed roof extension, by reason of its height and bulk in relation to the existing building would be an unduly prominent and incongruous feature to the detriment of the character and appearance of the building and its setting contrary to policies B1 (General Design Principles) and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
 - The proposed development would fail to provide cycle parking for the benefit of the proposed residential units, contrary to policy T3 and Appendix 6 of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
 - The proposed development would fail to provide affordable housing contrary to policy H2 (Affordable Housing) of the Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
 - The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policies T7 (Off street parking), T8 (Car-free housing and car-capped housing) and T9 (Impact on parking) of the Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
 - The proposed development, in the absence of a legal agreement securing a BRE EcoHomes post construction review and the provision of solar panels and a green roof would fail to adequately conserve energy and resources, contrary to policy SD9 (Resource and Energy) of the Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
- 3.6 A subsequent appeal against the refusal of application 2007/0862/P was **Dismissed** at appeal on the 09/10/2007 on the grounds of excessive bulk. The Inspector did not consider the other reasons for the refusal on the grounds that any resubmission would need to be reduced in scale.
- 3.7 **2007/3035/P**- Demolition of plant room at roof level and erection of a 2-storey roof extension to create three self-contained flats (Class C3) **Refused** 11/10/2007 for the following reasons:

- The proposed roof extension, by reason of its height, bulk, form and detailed design in relation to the existing building would be an unduly prominent and incongruous feature to the detriment of the character and appearance of the building and its setting contrary to policies B1 (General Design Principles) and B3 (Alterations and Extensions) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
- The proposed development would fail to provide affordable housing contrary to policy H2 (Affordable Housing) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement for car-free housing, would be likely to contribute unacceptably to parking stress and congestion in the surrounding area contrary to policies T8 (Car-free housing and car-capped housing) and T9 (Impact on parking) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.
- The proposed development, in the absence of a legal agreement securing a BRE EcoHomes post construction review and the provision of solar panels and a green roof would fail to adequately conserve energy and resources, contrary to policy SD9 (Resources and energy) of the London Borough of Camden Replacement Unitary Development Plan 2006 and Camden Planning Guidance 2006.

Enforcement History:

- 3.8 Planning enforcement investigation EN020299 was opened on the 18/04/2002 following a complaint that the new development was 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.
- 3.9 A further investigation was opened on the 06/08/2003 in relation to alterations to the side of the building. No breach was found and the investigation was closed on the 05/08/2004.
- 3.10 A planning enforcement investigation was opened on the 03/07/2008 following complaints that the 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' 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.

4. CONSULTATIONS

Statutory Consultees

4.1 N/A

Conservation Area Advisory Committee

4.2 N/A

Local Groups

4.3 Holmes Road Resident's Association have objected to the scheme. The details of this objection are listed below in the owner/occupier section, as have been combined with adjoining occupier's comments.

Adjoining Occupiers

<i>Number of letters sent</i>	54
<i>Total number of responses received</i>	20
<i>Number of electronic responses</i>	0
<i>Number in support</i>	0
<i>Number of objections</i>	20

4.4 A site notice was erected on the 31/03/08 and 54 neighbours were individually consulted.

4.5 A proforma was submitted in objection by 7 residents of Azania Mews to the rear of the application site. A further proforma was submitted and signed by the residents of 9 of the existing flats within the block and two further proforma submissions from addresses unknown. A further objection was submitted by a resident at 45 Holmes Road and an objection/enforcement complaint was submitted by Vail Williams Real Estate Advisers on behalf of the leaseholders of 55 Holmes Road.

The objections are summarised as follows:

4.6 When the building was erected the developer was denied permission for any further storeys and it is unreasonable that he should continue to submit plans year on year when the building already has 14 occupied residencies.

4.7 The Council and planning inspectorate rejections of the previous applications were completely justified and the original reasons for rejection still apply.

4.8 The plant room on site is unauthorised as it is larger than approved. For the planning team to assess the current proposal against the built form at the property would be fundamentally flawed and the proposals should be assessed against the original planning approval.

4.9 Concerned that the amount of development and building works in Holmes Road is impacting upon family life through increased health and safety risks, increased noise, traffic, dust and fumes.

- 4.10 The planned building is extremely high, large, bulky and very unattractive. It is totally incongruent with the present building architecture and will overwhelm the block and would not be in keeping with the context. The extension is not subordinate and does not comply with policies B1 or B3.
- 4.11 The additional height and bulk would dominate the adjacent two storey building producing a harmful effect on the street scene as per the appeal inspector's report.
- 4.12 The Council originally agreed to the structure and denied further floors. Any additional floors would not be sympathetic to the original conception. This would have a very negative impact to the detriment of the character of the existing building and the local area.
- 4.13 It would overlook neighbouring buildings causing a loss of privacy and light.
- 4.14 There is no mention of disabled access in the proposed development.
- 4.15 No plans for affordable social housing have been made in relation to the present application, contrary to policy H2. The proposed development is an attempt by the developer to avoid these responsibilities and to make the maximum amount of profit with minimum investment in the local community. If the developer were to propose social housing this would need to relate to the entire building of 14 flats, not just the planned extension.
- 4.16 In the absence of a car free agreement the proposed development would add to parking stress and congestion in an area which is already stretched to the maximum.
- 4.17 The existing building and new proposal fails to adequately provide cycle parking contrary to policy T3.
- 4.18 The proposed is not environmentally friendly and fails to conserve energy in line with policy SD9.

5. POLICIES

5.1 Camden Replacement Unitary Development Plan 2006

SD1- Quality of life

SD6- Amenity for occupiers and neighbours

SD9- Resources and energy

H1- New housing

H7- Lifetime homes and wheelchair housing

H8- Mix of units

B1- General design principles

B3- Alterations and extensions

B7- Conservation Areas

T3- Pedestrians and Cycling

T8 - Car free housing and car capped housing

T9 - Impact of Parking

Other Relevant Planning Policies

5.2 Camden Planning Guidance, 2006

6. ASSESSMENT

6.1 The principal considerations material to the determination of this application are summarised as follows:

- Housing/Residential development standards
- The design and appearance of the extension and its impact upon the host property and the street scene.
- The potential impact upon the amenity of existing and neighbouring residents.
- Affordable housing
- Sustainability
- Lifetime homes
- Transport

Housing/Residential development standards

- 6.2 Increasing the housing supply in the borough is a priority of the UDP and the Council therefore welcomes applications for new residential developments of an acceptable standard. The current application proposes the addition of two further storeys to the existing 4 storey building to create 3 new residential units. Two x two bedroom units are proposed for the new 4th floor (Flats 1 & 2) and one x three bed unit is proposed for the top 5th floor (Flat 3).
- 6.3 Flat 1 would have a floor area of 135m². The master bedroom would be approximately 20m² plus an en suite bathroom. The flat would have a combined kitchen living space, a main bathroom, a further double bedroom and a private hallway.
- 6.4 Flat 2 would have a floor area of 117m². The master bedroom would be approximately 18m² with an en suite bathroom. This flat would also have a combined kitchen living space, a further double bedroom, bathroom and hallway.
- 6.5 Flat 3 would have a floor area of 139m². The master bedroom would be approximately 14m² plus a dressing room and en suite bathroom. The flat would also include a combined kitchen/living space, two further double bedrooms, two further bathrooms and a hallway.
- 6.6 All the proposed flats would be fully self-contained, accessed from the communal staircase and lobby at 4th floor level. The new units would all exceed the minimum space standards set out in Camden Planning Guidance 2006. All rooms would have a minimum head height of 2.4m and all habitable rooms would have windows and doors providing natural light.

- 6.7 The recessed tier design of the proposed additional storeys would allow for a 1.5-6m wide terrace around the full perimeter of each additional storey. The terrace at 4th floor would be divided by a privacy screen and would be accessed by flats 1 and 2. The terrace at the 5th floor level would be accessed from flat 3.
- 6.8 The proposed development is considered to be compliant with the residential development standards and with policy H1. The provision of a family sized 3-bed unit with external space is welcomed, and overall the mix of units is considered to be consistent with policy H8.

Design and appearance

- 6.9 The existing recently constructed four storey building is of contemporary design and materials with a tiered structure. The building has a complex and visually interesting appearance with its form being broken both horizontally and vertically by the use of different materials, architectural detailing and articulation. The main materials used are an off white render and reflective glazing. The bold modern styling makes the building a fairly prominent feature within the mixed context of Holmes Road. The building is visible in long views from either end of the road and from behind across the warehouse site from Azania Mews and Cathcart Street. Surrounding buildings vary in style, age and height from modern blocks of 5-6 storeys to traditional Victorian 2/3 storey terraces.
- 6.10 There is an existing plant room at roof level. This large structure with screening covers the majority of the roof area and is 3m high. A plant room was approved as part of the original application but the room has been built slightly larger than approved. This matter was the subject of a planning enforcement investigation where it was determined that the increase in the size of the plant room did not cause significant harm and that no further action was considered reasonable. The existing plant room is considered to be an unattractive and incongruous structure that detracts from the character and appearance of the host property. Its removal is therefore considered acceptable.
- 6.11 The current maximum height of the building from the level of Holmes Road is 17.8m (the approved height being 16m). There is an existing part 5, part 6-storey building at 54-74 Holmes Road and a 5-storey building at 74 Holmes Road. The Design and access statement provided by the applicant states that the height of 54-74 Holmes Road is 19.01m above street level. The proposed building is 20.2m which is lower than appealed scheme (2007/0862/P) and equal to the refused scheme (2007/3035/P). The appeal inspector did not object to the principle of a two storey extension but one of his concerns was the impact of the additional height on the two storey building to the east. The extension that was the subject of the appeal was slightly higher than that now proposed, with contrasting materials and a much more dominating design with an over hanging 5th floor. The amended design now proposed is considered far more sympathetic to the host property and the relationship with the neighbouring properties. The new fifth storey would be set back from the boundary of the fourth floor by a minimum of approx 2m (approx 7m back from the entrance point at ground level) and the proposed sixth storey would be recessed further by a minimum of 2m. Given the substantial set back and the more unified relationship with the host property it is considered that the additional

1.1m above the prevailing maximum building height would not affect the character and appearance of the street scene in this case.

- 6.12 In terms of the relationship between the existing building and the proposed extension, the proposed scheme is considered to differ significantly from the previously refused and appealed schemes. As mentioned above, the previous schemes included contrasting heaving materials, timber cladding and each had an overhanging 5th floor. This gave the previous proposals an overly dominant, bulky appearance that was not in keeping with the form of the host property. The same issues do not apply to the scheme now proposed. The two additional storeys would be successively recessed from the existing top floor of the building. This would make the extension less visible, in keeping with the layered stepped form of the original building and helps to minimise the perceived bulk and mass of the additional storeys, each level being consecutively subordinate to the lower floors. The extension would have materials to match the existing with render, glazing and projecting sun louvers at 4th floor level. The 5th would comprise floor to ceiling glazing and perforated opaque glass cladding panels fixed into a timber, aluminium faced curtain wall system. The articulation and level of architectural detailing is less intricate than that of the existing building. The simplified form and use of materials offsets the complexity of the lower levels thereby reducing the bulk of the extension in relation to the host property. The highly reflective materials to be used at 5th floor level will have a lightweight appearance to further reduce the perceived weight and height of the extension. It is recommended that a condition be attached requiring the submission of further details in relation to the materials at 5th floor to ensure a satisfactory external appearance.
- 6.13 It is considered that the current application overcomes the design concerns of the previous schemes. It would improve the appearance of the host property and the street scene with the removal of the unattractive plant room and its replacement with an extension of more harmonious form and materials. The proposal is therefore in line with policies B1 and B3.

Residential Amenity

- 6.14 The buildings immediately opposite on Holmes Road (numbers 52 and 36-50) are non-residential. Number 41 to the east is a minimum distance of over 14m away and already faces onto the existing windows and balconies at the lower levels of the property. To the rear (south) the site backs on the warehouse and parking space. The balconies at fifth floor level would be a minimum distance in excess of 30m from the five storey residential block at number 74 to the west. The positioning of the proposed extension in relation to the surrounding built context ensures that no increase in overlooking of nearby residential properties would occur and there would be no significant impact upon light or outlook.
- 6.15 Flats 1 and 2 will have access to the proposed terrace at 4th floor level. It is proposed that a privacy screen would be inserted to divide the space between the two flats. Full details of screening have not been submitted as part of the application but it is considered satisfactory to request these through a planning condition.

- 6.16 A number of the objections to the scheme are in relation to noise and disturbance during the construction phase. This is not a material planning consideration and is covered by separate legislation. However, the building is already occupied and Holmes Road is constrained in terms of road accessibility for construction vehicles. It is therefore considered reasonable to request that the applicant submit a full construction management plan to the Council prior to construction works commencing on site. This would be secured by a section 106 agreement.

Affordable Housing

- 6.17 At the time of the application for the existing building submitted in 1998 the threshold for affordable housing contributions was 15 units. As this scheme proposed 14 units and 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. The application now proposed is for 3 additional units only. Given the above it is not considered reasonable to insist upon the provision of affordable housing on site, as the proposed housing uplift is 3 units and is below the now 10 unit threshold.
- 6.18 However, and whilst not specifically a requirement the developer has offered a contribution to the off-site affordable housing fund of £30,000. The developer financial appraisal has been verified by the Council's Valuer's and is considered to a reasonable contribution based on market conditions. This contribution shall be secured through a section 106 agreement.
- 6.19 An additional clause in the S106 agreement has been agreed with the developer to ensure that affordable housing be required in the future on the entirety of the site should any additional residential units be proposed, or should the existing mix change to accommodate additional units above and beyond the total numbers of units on the site following the completion of the development.

Sustainability

- 6.20 The scheme offers sustainability levels of a high standard, significantly above that required for a development of its size. A BREEAM Eco-Homes Pre Assessment Report has been submitted with the application, and this states that the additional units would achieve 60% of the available credits for energy and water efficiency and 40% of available credits on materials giving it an overall rating of 'very good'. This is welcomed and it is recommended that a post construction review via a design stage is recommended to be secured via Section 106 Legal Agreement.
- 6.21 There are areas of flat roof on the development and it is considered reasonable to impose a condition requiring a degree of this space to be utilised as either a green/brown roof. This is in accordance with UDP policy N5 (Biodiversity).

Lifetime Homes

- 6.22 The applicant has submitted a full assessment of the proposed development's level of compliance with the 16 Lifetime Homes Standards. The building meets the majority of the criteria or could easily be adapted to be so in the future. There is an existing lift that would be extended up to the new lower penthouse level with the potential for a stairlift to be added for access to the upper penthouse if necessary. The applicant has suggested that disabled parking could be made available in the basement, but as this is in the form of a stacking system this would not be suitable.
- 6.23 Overall the development would reach a fairly high level of accessibility and adaptability for flats at an upper floor level making the scheme compliant with policy H7.

Transport

- 6.24 The site has a public transport accessibility rating of 'good' being within easy walking distance of Kentish Town Tube Station, Kentish Town West Thameslink and numerous bus services. The scheme is therefore considered suitable to be car free/capped. There are 18 parking spaces within the existing basement building, 14 of these spaces are allocated to the existing residents, 2 are allocated to the office space and 2 are currently free. It is the applicant's intention to offer the two available spaces and one of the office spaces to the occupants of the new flats. As no additional parking is included in the scheme the allocation of the existing spaces is considered acceptable. It is recommended that a car capped agreement be secured for the additional units through a section 106 agreement to prevent further stress to on-street parking and the local road network.
- 6.25 The Council requires that one cycle storage be provided per additional unit created. It has been indicated that an area in the basement will be used for cycle storage for up to 18 cycles, although details of this have not been provided and it is unclear if there is adequate space to accommodate this. It is recommended that a condition be added to any permission requiring the provision of a minimum of three cycle parking spaces to Council specifications details of which should be submitted and approved.
- 6.26 The highway around the development site is considered to be sub-standard and the new units will result in increased usage. An estimate has been prepared by the Council's engineering team and a contribution for repair works to the highway of £22,500 shall be secured through a section 106 agreement.

7. CONCLUSION

- 7.1 Planning Permission is recommended subject to a S106 Legal Agreement covering the following Heads of Terms:-
- Financial Contribution of £30,000 towards Affordable Housing within the Borough.
 - A requirement to provide affordable housing according to the entirety of the site should any additional residential units be proposed, or should the existing mix change to accommodate additional units above and beyond the total numbers of units on the site following the completion of the development.

- Car capped housing
- A contribution of £22,500 for repair works to the highway
- A construction management plan
- All buildings works to be implemented in accordance with the submitted EcoHomes pre-assessment 'minimum' very good, and all ratings to be met in the final assessment via design stage and post construction sustainability appraisal.

8. LEGAL COMMENTS

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